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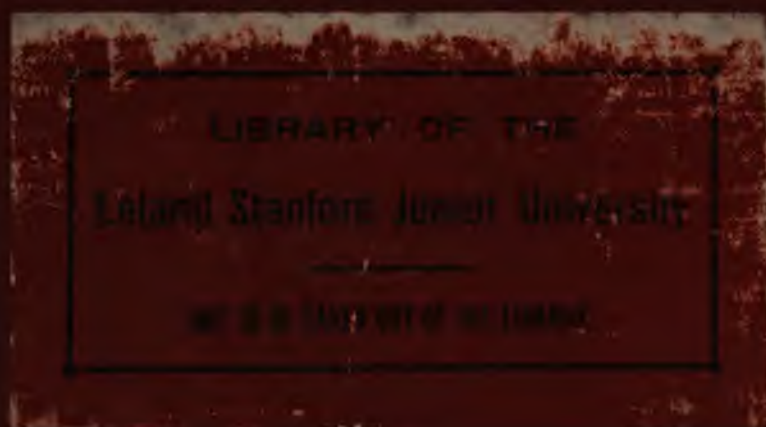
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THE
FEDERAL CONSTITUTION
IN MASSACHUSETTS

HARDING



H.

With the sincere regards of

S.B. Harding.

H 32-

With the sincere regards of
S.B. Harding:

HARVARD HISTORICAL STUDIES

PUBLISHED UNDER THE DIRECTION OF THE DEPARTMENT OF
HISTORY AND GOVERNMENT FROM THE INCOME OF

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THE
CONTEST OVER THE RATIFICATION
OF THE
Federal Constitution
IN THE
STATE OF MASSACHUSETTS

BY
SAMUEL BANNISTER HARDING, A.M.

SOMETIME MORGAN FELLOW IN HARVARD UNIVERSITY
ASSISTANT PROFESSOR OF HISTORY IN INDIANA UNIVERSITY

NEW YORK
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PREFATORY NOTE.

THIS paper is the result, in the main, of work done in connection with the Seminary of American History and Institutions of Harvard University during the academic years 1893-94 and 1894-95. Much of what value it may possess is due to the kind assistance and guidance of the directors of the seminary. For the opinions expressed herein, however, and for such errors of fact as may have crept into it, the author alone is responsible.

The work was undertaken largely from a belief that only through a more thorough study than had hitherto been made of the internal political history of the States, in the period during and immediately following the Revolution, could a right understanding be obtained of the subsequent party struggles in national politics by which the interpretation of the Constitution was fixed and the scope and general policy of the new government were determined. So far, the author has been able to deal extensively with but two of the thirteen States, namely, Pennsylvania and Massachusetts. Some of the results arrived at with reference to the former State have been set forth in the Papers of the American Historical Association for 1894; those relating to the latter State are here presented. It is only necessary to add that, as the work has progressed, the conviction with which it was begun has steadily grown stronger.

S. B. H.

BLOOMINGTON, INDIANA,
May, 1896.

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THE FEDERAL CONSTITUTION

IN

MASSACHUSETTS.

CHAPTER I.

INTRODUCTORY.

It may, perhaps, be taken as an axiom of politics that under a popular form of government a decision is never reached solely upon the merits of the question. No matter how momentous the issue, no matter how intense the desire to decide aright, extraneous influences will inevitably affect the result. Prejudice will usually prove a more potent factor than reason, and the course of the individual or the community will be determined chiefly by its existing habits of political thought and action.

Factors in
political
decisions.

In endeavoring, therefore, to arrive at an understanding of the causes that in Massachusetts led so many persons to oppose the ratification of the Federal Constitution, it will be necessary to start with the antecedent conditions. Now, it may safely be asserted that two of the chief characteristics of the political life in that State in 1787, and the two which most directly fostered the development of the opposition to the newly proposed Federal system, were (1) the inordinate self-confidence of the mass of the people as to their ability to pass upon the most abstruse questions of government, and (2) a

Antecedent
conditions.

pronounced antagonism in political matters between the upper and the lower classes. A few words as to each of these features will make clear what is meant.

Self-confidence of the people,

Even before the Revolution, keenness of the political sense was a marked characteristic of the Massachusetts man, its development being in large part due to the fostering influence of frequent participation in the business of the town-meeting. There he became familiar with the routine administration of affairs, was imbued with the healthy spirit of liberty which underlay New England institutions, and was familiarized with the stock precedents of government which constituted the common heritage of the English race. It was with the art of politics, however, rather than with its philosophy that he was concerned: his knowledge was one of particular instances rather than of general theories. With the latter he was first familiarized in the political agitations that preceded and accompanied the break with the mother country. Then for the first time he was made acquainted with the political philosophy founded on the theory of the social compact and the doctrine of the rights of man. The appeal to this philosophy, moreover, was accompanied by a flattery of the masses on the part of the Revolutionary agitators, which, together with the easy simplicity of the doctrines presented, led perhaps inevitably to the exaggerated sense of political capacity which has been named as one of the most marked characteristics of the men of this period.

as shown by the Ashfield Resolves;

This temper came to light as soon as the attempt was made to build up some sort of settled government to replace the repudiated royal administration. Owing to the absence of most of the men of learning and political experience, either in the army or as refugee loyalists, men of lesser calibre usually took the lead. In the Ashfield (Hampshire) Resolves of October 4, 1776, we have a curious instance of the result. In

these it is recited that "for as the Old Laws that we have Ben Ruled by under the British Constitution have Proved Inefectual to Secuer us from the more then Savage Crualty of tiranical Opressars and Sense the God of Nature hath Enabeled us to Brake that yoke of Bondage we think our Selves Bound in Duty to God and our Country to Opose the Least Apearanc of them Old Tiranical Laws taking Place again;" therefore it is voted "that we will take the Law of God for the foundation of the forme of our Government . . . that it is our opinion that we Do not want any Goviner but the Goviner of the univarse, and under him a States Ginaral to Consult with the wrest of the united States for the Good of the whole . . . ; that the Asembly of this Stat Consist of one Colecttive body the Members of which body Shall Anually be Alected . . . that all acts Pased by the Ginaral Cort of this State Respecting the Sevirall Towns Be Sent to the Sevaral Towns for thair acceptants Before they Shall be in force," etc.¹ At Pittsfield (Berkshire) wiser heads were in control, and an abler pen — that of Rev. Thomas Allen — wrote the resolves; but the self-confident temper was the same. In that county, from 1775 to 1780 every attempt at the exercise of authority based on the provincial charter was resisted by the so-called "Constitutionalists;" and in justification of their conduct they wrote to the General Court, May 29, 1776: "Knowing the strong bias of human nature to tyranny and despotism, we have nothing else in view but to provide for posterity against the wanton exercise

and by the
Berkshire
Constitution-
alists.

¹ Massachusetts Archives (State House), CLVI. 131. At the opposite pole to the inhabitants of Ashfield, so far as relates to the government which they desired for the country as a whole, stood the men of Boothbay. These, in 1778, expressed the wish that after the war "all distinction of Separate States" should be abolished, and the union of America be secured "by reducing the whole into one great Republick." *Ibid.*, p. 368.

of power, which cannot otherwise be done than by the formation of a fundamental constitution. . . . We have heard much of government being founded in compact: what compact has been formed as the foundation of government in this Province?"¹

Other
examples.

Nor are these instances unique: throughout the State there was manifest the same spirit of political unrest and of confidence in the ability of the average man to construct anew, and with advantage, the whole machinery of government. To quote from a letter from John Winthrop to John Adams, under date of June 1, 1776: "There is such a spirit of innovation gone forth as I am afraid will throw us into confusion. It seems as if everything was to be altered. Scarce a newspaper but teems with new projects. This week produced three: First, For county assemblies; Second, for a registry of deeds in each town; Third, for the probate of wills, etc., to be made in each town by a committee, to be annually chosen for that purpose at the meeting;"² projects which, his correspondent replied, were "founded in narrow notions, sordid stinginess, and profound ignorance," and which tended "directly to barbarism."³

Persistence of
self-confident
spirit,

It was natural that this spirit should be most conspicuously manifested at the beginning of the Revolution, when all constitutional relations were disorganized; but the point to be noted is that something of the same temper persisted for a number of years, and played a considerable part in determining the attitude of the people when the Federal Constitution was submitted to them.

With the people of Massachusetts such a question

¹ Smith, *History of Pittsfield*, I. 351-4.

² Massachusetts Historical Society, *Collections*, Fifth Series, IV. 308.

³ *Ibid.*, p. 310.

was by no means merely formal. In matters even so weighty as the framing of a Constitution they did not hesitate to form decided and independent judgments. The history of the ratification of the Articles of Confederation illustrates this. In 1777 that instrument was submitted by the General Court to the towns, that they might instruct their representatives in the matter. Thereupon the town of Palmer reported that they approved all except the section "which Delegates a power In Congress to have the Sole & Inclusive Rite of Determining on peace and war, which Reather at present appears to us ought to be more perticularly Vested in the people."¹ Amesbury wished to amend the Articles, not only as to the determining of peace and war, but also so that the charges of government should be apportioned among the States "according to the Value and income of Personal as well as Real Estate."² Bridge-water wished no question to be determined by less than eleven States.³ The town of Westborough reported that they "are of Opinion that the Protestant Religion, is not duly Guarded in Said Confederation; also we think it might be well to Acknowledge, the Superintendency of Heaven, in the Style;"⁴ while Lexington wished as a "further *Barrier* to the *Freedom* and *Independence* of *This*, and the *other States*," and a "*standing Check* upon the *Arts* and *Schemes* of *crafty, designing* and *ambitious Men*" that the right be reserved to the States of suggesting amendments to Congress.⁵

as seen in the
ratification of
the Articles
of Confedera-
tion,

Still more clearly is the same temper shown in the formation of the State Constitution. In this the part

¹ Massachusetts Archives, CLVI. 294. My attention was first called to these votes by Mr. C. A. Duniway, at that time a fellow-student in the Harvard Graduate School.

² *Ibid.*, p. 300.

³ *Ibid.*, p. 302.

⁴ *Ibid.*, p. 299.

⁵ *Ibid.*, p. 295.

and in the
formation
of a State
Constitution.

played by the towns was even more pronounced than in the ratification of the Articles of Confederation. In 1776 the House of Representatives, acting under the Provincial Charter, called upon the towns to decide whether the existing General Court should be empowered to enact a Constitution; but because of the non-concurrence of the Council, or for some other reason, only a minority of the towns responded. In 1777 the attempt was again made, and the towns were advised to select their representatives for the ensuing year with care, and to instruct them with regard to drafting a Constitution for the State. When these representatives met, they with the Council resolved themselves into a Constitutional Convention, and drafted a Constitution, which in 1778 was submitted to the people. By a vote of more than two to one this was rejected, Boston leading the opposition.¹ The next year the towns were asked, (1) whether they wanted a Constitution or not, and (2) whether they would empower the next General Court to call a Convention expressly to frame such an instrument. Both propositions were accepted by overwhelming votes; and by a Convention called under this authorization the admirable Constitution of 1780 was framed. Accompanied by an address so conciliatory as to be almost ludicrous, this Constitution was then submitted to the people of the towns for ratification, and having secured the approval of the required two-thirds of the freemen of the State,

Constitution
of 1778
rejected.

Constitution
of 1780
adopted.

¹ Smith (*History of Pittsfield*, I. 357) asserts that it was the aristocratic element which defeated the Constitution of 1778. This element, he says, had dictated the government of the interregnum, and wished its continuance for selfish reasons. The real reason for the opposition, however, seems to have been the loose nature and generally unsatisfactory character of the Constitution proposed. The Constitution of 1778 may be found in the *Journal of the Convention of 1779-80*, Appendix V.

it was finally proclaimed by the Convention at a second session.¹

Thus, the people of Massachusetts were called upon six times in less than as many years to pass upon the most fundamental questions that could be submitted to their suffrages. In their dealings with neither the Articles of Confederation nor the State Constitution were they restricted in the exercise of their right to a mere acceptance or rejection in its entirety of the instrument proposed to them: in connection with both of these, the right to reject specific sections and to propose amendments was expressly recognized and was freely exercised. Every citizen of the State was thus admitted to an active participation in the constitution-making, as well as in the administration of government, of this epoch. Undoubtedly, one result of this was that the men of Massachusetts were thereby better prepared to act intelligently upon the Federal Constitution of 1787, when it was submitted to them. It was this preliminary training in the processes of constitution-making, together with the generally better developed political sense of the New Englander, which prevented the discussion in the ratifying Convention of that State from being confined entirely to a very few leaders on each side, as was the case, for example, in Pennsylvania. Nothing is truer, however, than that "a little knowledge is a dangerous thing." A more pernicious result of this frequent submission of fundamental questions to popular suffrage was the development and confirmation of the belief, among the masses, that in the framing of a constitution no higher order of intellect is necessary than in the laying out of a county road, or in the formulation of rules for the

Frequent participation of the people in constitution-making,

and its results.

¹ In this account of the steps leading to the adoption of the Constitution of 1780, I have followed in the main a MS. thesis in Harvard College Library on *The Struggle for the Constitution in Massachusetts*, by Dr. F. E. Haynes (1891).

pasturing of swine on the town common.¹ Hence, in the proceedings relating to the Federal Constitution, we find that not only is the idea widely prevalent among the citizens of the State, both in and out of the ratifying Convention, that they could themselves have framed a better, or at least a safer, Constitution than the one submitted to them; but also the demand is advanced that the Constitution be submitted to the individual towns for their ratification, — a course of procedure which would have rendered the cause of ratification hopeless.

Antagonism
between
classes.

By the antagonism between the upper and the lower classes, which has been named as the second great characteristic of this period, is meant something more than the latent hostility, born of envy, which always exists on the part of those who have not toward those who have. This certainly was an element in its composition, but not the sole or the most important one. Economic and political influences of far greater weight entered into it; and it was chiefly owing to these that by the year 1787 the antagonism of classes had developed into an earnest, if not a bitter, contest between the forces of aristocracy and democracy for the control of the State government.

Its causes.

In the development of this contest, it was the democracy that had taken the initiative. The distrust of the upper classes, to which this was due, was partly a natural consequence of the growth of the democratic spirit which accompanied the Revolution; partly, too, it was

¹ In refreshing contrast to the action of many of the towns, is the return made from the town of Bluehill Bay upon the Constitution of 1778. "Sur and If there is Aney thing that we have Ommitted in the Return," write the twenty-six inhabitants of the town by their chairman, after signifying their assent to the measure, "I Would have you Let us know by Capt. Haskell for we Are so as it Ware Out of the Wourld that We Dont hardley know Wether we Do Rite or Rong But we Mean to Do as Well as We Can." Massachusetts Archives, CLVI. 418.

the result of special causes. • One of these causes lay in the fact that so many of the professional men, and men of property and education, either remained loyalists or gave but a lukewarm support to the measures of the patriot party; another cause was the natural antagonism of interest between town and country, between agricultural and commercial sections; and still a third is to be found in the economic and legal conditions of the time, which after the conclusion of peace speedily brought into wide disrepute one of the most conspicuous elements of the aristocracy, namely, the legal class. It was the antagonism between town and country, accentuated after the war by the contrast between the poverty of the farming regions and the comparative luxury of the maritime towns, that established the removal of the capital from Boston as an article of the Shaysite platform;¹ and that helped to break down the popular prejudice against impost and excise taxes, this in turn leading to the attempt to throw the burden of taxation on commerce.² Opposition to the "overbearing power of oppressive lawyers"³ was even more widespread in 1786-1787 than the desire for the removal of the capital. "Per-

Antagonism
between town
and country.

Opposition
to lawyers.

¹ In the instructions voted by the town of Braintree to its representatives in 1778, for example, the first is "to remove the Court [legislature] from Boston." (Adams, *History of Quincy*, p. 264.) Many such instructions may be found in this period. See Benedict and Tracy, *History of Sutton*, p. 125, for like instructions voted by that town in 1786; and Jameson, *Records of Amherst*, p. 97, for like action by Amherst in 1787. By the latter town the reasons for desiring the removal are stated to be: (1) the undue influence which the presence of the capitol in Boston gives to merchants and others of its inhabitants; (2) the noise and other influences that tend to divert the attention of representatives; (3) the fact that "eatables are much Dearer" at second and third hand.

² Minot, *History of the Insurrections in Massachusetts*, pp. 9-13.

³ "Perseverance," in *Massachusetts Centinel*, June 17, 1786.

haps since the settlement of this country, *independence not excepted*," says one newspaper statesman, speaking of the articles in which the matter was first broached, "there never was a more popular question agitated than this by *Honestus*."¹ Undoubtedly, there was much legitimate ground for dissatisfaction with the administration of the law as it was conducted at this time. Fees of all sorts were high, and imprisonment for debt was not only allowed, but was of frequent occurrence. The form which the movement took was twofold: (1) to abolish "y^e pernicious practice of y^e Law," allowing each citizen to "support and defend his cause before any Court of law with y^e same freedom . . . as . . . before Arbitrators;"² and (2) to exclude lawyers from all offices within the gift of the people.

Inferior men
elected.

The result of the growing distrust of the upper classes was to be seen in the change in the character of the men who after the Revolution were intrusted with office. This was remarked by John Adams upon his return, in 1788, from his nine-year residence abroad. "The *constancy* of the people in a course of annual elections," he writes, "has discarded from their confidence almost all the old, stanch, firm patriots, who conducted the revolution in all the civil departments, and has called to the helm pilots much more selfish and much less skilful."³

Shays's
revolt.

✓ The revolt which broke out in the western counties in 1786-1787 under Daniel Shays,⁴ and which was

¹ "Jus," in *Massachusetts Centinel*, April 22, 1786.

² Dedham instructions to representative, May 17, 1786, in Huntton, *History of Canton*, p. 428.

³ John Adams, *Works*, IX. 557.

⁴ What seems to be a fair account of the classes of persons entering into the uprising is given by Barnabas Bidwell, a young Yale graduate, whose home was in Berkshire County, Massachusetts, and who visited the counties concerned soon after the

designed to coerce the government into granting the demands of the popular leaders, seems to have been the last straw with the aristocracy. It was this which crystallized the existing class hostility into definite political opposition. A writer signing himself "Atticus," in the *Independent Chronicle* of Boston for October 18, 1787, undertakes to assign the very moment at which this change took place. From the countermanding of the order for the troops to go to Concord to support the Court of Common Pleas, in September, 1787, two parties, he says, had resulted in the State: first, "that of the populace," which tended to "general levelism, and democratic turbulence;" second, that of the rich, of men of "austere political principles," which tended to "an alteration of the Constitution of our State, and the subjection of the people to a rigid aristocracy." The reason why these parties arose just at that time, according to this writer, was that the populace thought that the moment had come when they could shake off their obligations to the rich without punish-

"Atticus"
on resulting
party division.

subsidence of the troubles. After mentioning the fact that "the Gentlemen of learning and the liberal professions . . . are universally for Government," he goes on to say: "Debtors are generally on the other side; and this class comprehends more than half of the people. Persons guilty of crimes, or who wish to commit crimes; Rhode Island Emigrants and almost all of the denomination of Baptists; men of warm passions and but little reason; men of fickle minds, fond of every new scheme and proud of an enterprising spirit,—such have pretty generally engaged in the Insurrection. They have been joined by many, who have no attachment to any establishment, but were glad of the commotion, as it gave them something to do. They have also drawn in a large number of boys; and also of the ignorant, uninformed, but well-meaning common people, who hearing such a dreadful outcry against Government, believed there were some intolerable grievances, although they knew not what." To David Dagget, June 16, 1787: American Antiquarian Society, *Proceedings*, April, 1887, New Series, IV. 368.

ment, while the rich judged from the countermanding of the order to the troops that the existing laws were no longer sufficient for the protection of their interests.

Views of
aristocratic
element.

The attitude which seems to have been taken generally by men of education and property at this time, is indicated by a letter from Theodore Sedgwick to Rufus King. "Every man of observation," he writes, "is convinced that the end of government security cannot be attained by the exercise of principles founded on democratic equality. A war is now actually levied on the virtue, property and distinctions in the community, and however there may be an appearance of a temporary cessation of hostilities, yet the flame will again and again break out."¹ Henry Knox took even a more downright view of the matter. "The democracy might be managed, nay, it would remedy itself after being sufficiently fermented," he wrote to King, who was then attending the Federal Convention at Philadelphia; "but the vile State governments are sources of pollution, which will contaminate the American name perhaps for ages. Machines that must produce ill, but cannot produce good, smite them in the name of God and the people."²

Abolition
of State gov-
ernments
advocated.

¹ *Life and Correspondence of Rufus King*, I. 224.

² Drake, *Life of Knox*, p. 96. For further illustration of the views of the aristocratic faction, see the pamphlet entitled *Thoughts upon the Political Situation of the United States of America, in which that of Massachusetts is more particularly considered. . . . By a native of Boston* [Jonathan Jackson], Worcester, 1788. In this the author, after commenting on the fact that "much has been lately said of aristocratical men and principles," and that great alarms have been founded thereon, asserts that the greatest risk to the people is "their proneness to a highly democratical government; a government in which they would be directed by no rule but their own will and caprice, or the interested wishes of a very few persons, who affect to speak the sentiments of the people" (p. 55). "The people in any numbers,"

Undoubtedly, such ultra-aristocratic views as those of Knox reacted to strengthen democratic tendencies in many who did not sympathize with the schemes for debt-repudiation which were championed by the popular party. For example, Mrs. Mercy Warren, whose affiliations through her husband and his friends were with the democratic faction, saw in Shays's revolt only "discontents artificially wrought up, by men who wished for a more strong and splendid government."¹ To the same effect is a communication in one of the papers of the day. "A number of men, who have pretended to be disgusted at the late unhappy commotions," asserts the writer, with what seems to have been more than a grain of truth, "*secretly rejoice at the opportunity of establishing, under pretence of necessity, a tyrannical rule; in the room of our free, and happy Constitution. A certain mark by which these are distinguished, is their repeated declarations, that the people have not virtue enough to bear a free government, when in fact nothing has taken place here, but what has happened in every form of government yet established in the world.*"² ✓

Democratic
element
strengthened.

Thus, by the close of 1787 we have in Massachusetts a democracy, incensed at what it considers the oppressions, actual and prospective, of the aristocracy, fairly united in its plans of political action, and abundantly

Political
conditions
since 1788,

he says in another place, "cannot even be trusted to appoint those who shall manage for them, they are so liable when together in large numbers, to be acted upon and cajoled by those, who in every community are upon the watch to deceive, and active to gain authority to themselves for sinister views." Hence he proposes a novel scheme for action through a complicated system of intermediate electors, the lowest units to be circles composed of ten voters each (p. 168).

¹ Mrs. Warren, *History of the American Revolution*, III. 346.

² *Independent Chronicle*, Oct. 4, 1787. This was probably written before the appearance of the Constitution in Massachusetts.

and their
effect on
the fate of
the Federal
Constitution.

confident of its power to decide all political matters whatsoever, unaided by the counsel or advice of the upper classes. The aristocratic element in the State had looked to the Convention at Philadelphia for such a Federal Constitution as would enable it to maintain that ascendancy in matters of government which had of old been the lot of men of wealth and education, but which of late had been seriously threatened by the encroachments of the jealous democracy. Though it did not get all that was desired at the hands of the Convention, the aristocracy found the new Constitution in the main acceptable. But just in proportion as it was welcomed by the upper classes, it promised to prove unacceptable to the populace. Under the influence of the existing antagonism of social elements, that which met with the favor of the aristocracy came shortly to be regarded with suspicion by the democracy; and, in the contest which ensued for ratification, the dread of irretrievably fastening upon themselves in some way the power of the aristocracy unquestionably formed the chief factor in determining the greater portion of the inhabitants of the State, especially those of the rural districts, in a fixed opposition to the adoption of the new system.

CHAPTER II.

ARGUMENTS AGAINST THE CONSTITUTION.

THE Constitution was received at Boston late in the evening of September 25, 1787,¹ and was published the next day in an "extra" of the *Massachusetts Centinel*. On the 27th it appeared in the *Independent Chronicle*; on the 28th, in the *Massachusetts Gazette*; on the 30th, in the *American Herald*. The *Salem Mercury* gave it to its readers on October 2, the *Hampshire Gazette* on the 3rd. Within ten days from its reception at Boston it had appeared in all the papers of the State. Various pamphlet editions also were soon offered for sale. A little later the General Court ordered an edition to be printed containing the Constitution, the accompanying letter from Washington as president of the Convention, and the resolution of Congress transmitting it to the States; three copies of the pamphlet were to be sent to the selectmen of each town and district in the Commonwealth.² Thus, in the course of a few weeks the new plan was made accessible to all the reading citizens

Publication
of the Con-
stitution.

Copies sent to
the towns.

¹ See *Massachusetts Centinel*, date cited; also Sullivan to King, Sept. 25, 1787, in Amory, *Life of Sullivan*, I. 220.

² See Resolves of October 25, calling State Convention, *Documentary History of the Constitution of the United States*, II. p. 91; also *Debates of the Convention of 1788*, p. 23. The references to the *Debates* are to the edition issued by the State in 1856, which contains much illustrative matter not found in the other editions.

of the State, and speedily became the chief subject of discussion both in public and in private.

Expectancy
with which it
was awaited.

In Pennsylvania and New York, before the measures proposed by the Convention had been divulged, the foundation for opposition had been laid by persons selfishly interested in the maintenance of the existing status. In Massachusetts there appears to have been nothing of this kind. The result of the Convention was there awaited with great eagerness and expectation, not only in the maritime section of the State, whose interests were more immediately concerned, but in the interior as well. Even in those regions where the revolt had occurred but a few months before, "all classes," we are told, seemed to "await with the greatest impatience the event of the federal Convention, looking up to it as to the fountain from which those streams of political felicity are to flow, the which shall make them happy."¹ When it finally appeared, the first impression was generally favorable. Knox, an ardent advocate of a strong national aristocracy, wrote, October 3: "The people of Boston are in raptures with it as it is, but would have liked it still better had it been higher-toned."² On the 7th Christopher Gore reported to King: "The federal plan is well esteemed, and as far as can be deduced from present appearances, the adoption will be easy."³ Even James Sullivan, at the same time that he gave utterance to serious doubts as to the provisions concerning the judiciary power, wrote: "I . . . cannot express the heartfelt satisfaction I have from it. . . . I flatter myself it will meet with no opposition in this State."⁴

Its favorable
reception.

¹ *Independent Chronicle*, Oct. 4, 1787; on authority of a "gentleman from Great Barrington."

² Sparks, *Correspondence of the Revolution*, IV. 178.

³ *Life of King*, I. 261.

⁴ *Ibid.*, p. 259. The date here attached to this letter (September

Part of the apparent preponderance of sentiment in favor of the Constitution was doubtless due to the fact that the advocates of the plan came forward at first more readily than its opponents.¹ It was not long, however, before such extravagant expectations as those entertained by Sullivan were removed. The intemperate conduct of the friends of the Constitution in Pennsylvania speedily aroused the suspicion of many that all was not right.² The discovery that the unanimity in the Convention was one of States and not of individuals, and the perusal of the published letters of the dissenting members, confirmed this suspicion. Finally, the Antifederalist pamphlets and newspaper articles of "The Federal Farmer," "Cincinnatus," "Brutus," "Centinel," and others of that stamp fanned this suspicion into flaming opposition, which thenceforth needed no foreign aid to keep it alive.³

Advocates
more ready
than oppo-
nents;

but an opposi-
tion develops.

23) is clearly wrong; eight days at least were then necessary to transmit intelligence from Philadelphia to Boston. This would make the date about September 25, which is the date attached to this letter in Amory, *Life of Sullivan*, I. 220.

¹ See Madison to Randolph, Oct. 7, 1787, *Madison Papers*, II. 647.

² This was the case, among others, with Thomas B. Wait, publisher of the *Falmouth Gazette*, Maine. See his letter to Thatcher, Jan. 8, 1788, in "Selections from the Papers of Hon. George Thatcher," in the *Historical Magazine* of November and December, 1869. Hereafter these selections will be referred to as *Thatcher Papers*.

³ The first series of Richard Henry Lee's *Letters of the Federal Farmer* was put on sale in Boston early in January by the *American Herald* (see advertisement in issues of Dec. 31, 1787, and Jan. 7, 1788). There is also ground for believing that they were circulated in western Massachusetts by the New York Committee of Federal Republicans, of which George Clinton, John Lamb, and Charles Tillinghast were the leading spirits, at the same time that they were circulated by them in New York, Connecticut, Pennsylvania, and elsewhere. Lee was in frequent correspondence with

Part played
by Gerry.

In the contest which ensued, Elbridge Gerry, although he had been one of the dissentients in the Convention, seems in the main to have kept in the background; but owing to his participation in that body, his published objections to the Constitution carried with them considerable weight. These, therefore, though not the first in order of publication, may well be the first to occupy our attention. In his letter

Samuel Adams, detailing to the latter his objections as early as October 5. The letters signed "Cincinnatus," which were extensively copied in Massachusetts from a New York paper, were also ascribed to Lee. Many of the letters of "Brutus," supposed to have been written by Thomas Treadwell, of Suffolk County, New York, were reprinted in Massachusetts. The letters of "Centinel" (Samuel Bryan, of Pennsylvania) were systematically reprinted only by the *American Herald*; the *Address and Reasons for Dissent of the Pennsylvania Minority* was put on sale by the same paper about the time when the Massachusetts Convention met. Most of the letters of "Philadelphensis" also were republished by the *Herald*, and occasionally one of the series may be found elsewhere. George Mason's letter giving his reasons for dissent was widely published in Massachusetts, but generally *with the paragraph relating to Eastern control of commerce omitted*. Randolph's letter was published by several papers; but the letters of Yates and Lansing of New York, and Luther Martin of Maryland, were given only in the *American Herald*. These were the principal Antifederalist writings from without the State which were circulated in Massachusetts.

It is rather curious to note that the letters of "Publius," which, when collected, formed the *Federalist*, were systematically republished in Massachusetts only by the *American Herald*, the most ardent of the papers opposed to the Constitution.

In Massachusetts, as in Pennsylvania, there was a good deal of complaint from the printers that newspapers from beyond the Hudson no longer reached them; but no attempt was there made to fix the blame on the Federalists (see, e. g., *Massachusetts Centinel*, Feb. 16, 1788). Newspapers not then being admitted to the mail-bags, they were carried only through the courtesy of post-riders; and a change in postal regulations at this time seems to have been the cause of their less certain transmission.

of October 18 to the Massachusetts General Court, — a letter which, by the way, he is said to have composed at New York in concert with Richard Henry Lee, the arch-enemy of the proposed system,¹ and which the advocates of the Constitution admit did considerable harm to their cause,² — he gives the principal reasons for his dissent. These were, that in the Constitution as submitted (1) there was no adequate provision for a representation of the people, and no security for the right of election; (2) that some of the powers of the legislature were ambiguous and others indefinite and dangerous; (3) that the executive was blended with and would have an undue influence over the legislature; (4) that the judicial department would be oppressive; (5) that treaties of the highest importance might be made by the President, with the advice of two-thirds of a quorum of the Senate; and (6) that the system was without the security of a Bill of Rights.³ These objections, with explanations and augmentations, were printed, after the termination of the contest in Massachusetts, in a very readable little pamphlet entitled *Observations on the new Constitution, and on the Federal and State Conventions, by a Columbian Patriot*, which was extensively circulated in New York State.⁴

His letter to the General Court.

Reasons for his dissent.

¹ Bancroft, *History of the Constitution*, II. 230; *Worcester Magazine*, IV. 158.

² Gore to King, Dec. 30, 1787, *Life of King*, I. 267.

³ The letter was published in the *Massachusetts Centinel* of Nov. 3, 1787. It is most conveniently found in Austin, *Life of Gerry*, II. 42-3.

⁴ Ford, *Pamphlets on the Constitution*, p. 407. The chief objections alleged in this pamphlet, in addition to the foregoing, are the departure from annual elections, the omission of a provision for rotation in office, the monopoly of all sources of revenue by Congress, the length of term for senators, the election of the President by "an aristocratic junto" (as the electoral colleges are

The attack
in the press
begins.

The first publication against the Constitution in Massachusetts, so far as has been ascertained, was in the *Massachusetts Gazette* of October 9. In that issue the editor gave a list of objections to the Constitution, which he said had been "handed" to him "by a correspondent." The system proposed, said this writer, needed careful revision and correction, before it would be perfect or be likely to contribute to the happiness of any State. ¹ The representation was too small, while the term was too long. ² The authority of the Federal government would extend not only to foreign commerce, but to the internal economy of the States as well. ³ These would be deprived of the right to levy imposts and excises, and forced to rely on "dry" taxes alone; ⁴ while the Federal control of the militia would deprive them of the right to compel the obedience of their subjects.

Authorship of
Antifederalist
pieces.

With each successive issue of the press thereafter, the number of Antifederalist pieces increased. In the main, the original articles were the work of a comparatively few men living at or near Boston; these

called), the appellate jurisdiction of the Supreme Court, consolidation, and the unconstitutional mode of adoption provided for.

In addition to this pamphlet and the letter cited above, the only material contributions of Gerry to the literature of this contest were: (1) two letters in reply to Oliver Ellsworth's "Letters of a Landholder," one of which appeared in the *Massachusetts Gazette* of Jan. 5, 1788, and the other in the *American Herald* (both being reprinted in Ford, *Essays on the Constitution*, and in Scott, *The Federalist and other Constitutional Papers*); and (2) a "statement of facts," which he submitted to the State Convention, concerning the proceedings of the Federal Convention with reference to the Senate, and his letter to the Convention reviewing the controversy to which this statement gave rise. These two documents are printed in the *Debates of the Convention* (1856), pp. 65-71, note 18. Gerry's influence, however, can unquestionably be traced in various publications by others of the Boston group of Antifederalists.

were then copied in the papers of the interior, and, with articles clipped from papers outside the State, formed the bulk of the Antifederalist literature. From the nature of the case, it is difficult to identify with certainty the authors. Various indications, however, seem to justify the belief that James Warren, Benjamin Austin, James Winthrop, and Samuel Adams were the chief persons concerned.¹ In general, the articles

¹ For a sketch of Warren, and reasons for connecting him with these writings, see Appendix.

Austin apparently was the author of the "Honestus" letters of 1786 attacking the lawyers.

James Winthrop was librarian of Harvard College from 1772 to 1787; he is said to have written over the signature of "Agrippa" (Gore to King, Dec. 23, 1787, *Life of King*, I. 265). The articles bearing this signature are seventeen in number, the first eleven being addressed "to the people," the remainder "to the Massachusetts Convention;" they appeared originally in the *Massachusetts Gazette*, between Nov. 23, 1787, and Feb. 5, 1788, and have been reprinted in Ford, *Essays on the Constitution*, and Scott, *The Federalist and other Constitutional Papers*. The author of these articles seeks to arouse the fears of the shipping interest that undue advantage may be given to other sections of the country at the expense of Massachusetts. He shows himself opposed to Shays's rebellion and like movements, and styles a forced depreciation of the State debt a "dirty and delusive scheme" (Scott, *Ibid.*, p. 512). He asserts that the question at issue is "*whether they will have a limited government or an absolute one?*" (*Ibid.*, p. 508). He argues at length in favor of a mere amendment to the Articles of Confederation, giving the Congress (1) a limited revenue, with a right to collect it, and (2) a limited right to regulate intercourse with foreign nations, — alienation of State territory, conferring of special or exclusive trading privileges, and naturalization being expressly excluded (*Ibid.*, pp. 527, 531, 541). He is, however, ready to acquiesce in the adoption of the Constitution upon various conditions, among which are the following: that Congressional control over elections extend only to fining States which neglect to send senators or representatives; that the power to levy a direct tax or excise be refused; that each State shall have the command of its own militia, and that continental forces (except for guarding public

Their
character.

evinced decency, good temper, literary ability, and a fair amount of candor. The latter, however, is by no means an invariable characteristic, as will doubtless be evident to any one who takes the trouble to read the samples of that literature herewith presented.

In order to arrive at a clear understanding of the causes underlying the opposition in Massachusetts, it will be necessary to examine at some length the most important of these pieces against the Constitution. The first to be considered are several articles which were pub-

stores, etc.) be admitted into no State in time of peace without that State's consent; that the President be chosen annually from the several States in succession; that the judicial power be materially limited, and that trial by jury be held sacred in all cases; that the States be permitted to emit bills of credit without making them legal tender, and to coin money according to the continental standard; that only such powers as are expressly given be exercised by any officer, and that officers offending against any State law be accountable to such State; and that nothing in the Constitution deprive a citizen of any State of the benefits of his State Bill of Rights (*Ibid.*, pp. 555-7).

Gore charges Samuel Adams with the authorship of a skilful piece of declamation signed "Helvidius Priscus," in the *Independent Chronicle* of December 27 (*Life of King*, I. 266). In this article, James Wilson's celebrated speech at Philadelphia defending the Constitution is taken as a text, from which the writer endeavors to prove that the members of the Federal Convention were lacking both in ability and patriotism; yet, it is asserted, they had "ambitiously and daringly presumed (without any commission for that purpose) to annihilate the sovereignties of the thirteen United States; to establish a *DRACONIAN CODE*; and to bind posterity by their *secret councils*." "May the people," the article concludes, "awake from a kind of apathy which seems to pervade them, before they are aroused by the thunder of arms, or the insolence of dragooning parties, to arrest from the peasant, and the mechanic, the last farthing of their hard earnings to support the splendid fabrick of *Mr. Wilson's FEDERAL REPUBLIC*." This writer completes his arraignment of the delegates to the Federal Convention by asserting that they ought not to be permitted to sit in the State ratifying Conventions.

lished in the *Independent Chronicle*, during the month of December, over the signature of "Candidus," and which were variously ascribed to Samuel Adams and Benjamin Austin.¹ "The Constitution proposed," this writer maintained, "may aggrandize a few individuals: *The offices of honor and profit, may please the AMBITION of some, and relieve the EMBARRASSEMENTS of others.* It may serve to multiply Judicial controversies, and embarrass the citizens of the several States, by appeals to a Federal Court. It may give an undue influence to Congress, by the appointment of a numerous Body of Officers. It may discourage *Industry*, by promoting an infinite train of dependants and seekers. — But the great object of commerce, — our national respectability, — together with industry and frugality, would probably be the happy consequences of a Commercial Confederation." Accordingly, he proceeds to outline such a "confederacy of *commerce and amity*" as he would prefer. Without going into the details of his plan, it may be said that it amounted to a mere increase of the powers of the existing Congress, leaving these powers vested in a single house, and not providing for a separate executive, although a supreme judiciary court for Federal purposes was contemplated. Experience having shown the futility of the attempt to secure any alteration of the Confederacy in the way provided for in the Articles, "Candidus" was willing to follow the Convention in what was represented by many as its most unwarranted step, and to put his proposed scheme in execution upon securing the consent of but nine States.²

Article by
"Candidus."

Proposes
mere amend-
ment of Con-
federation.

¹ For the identity of "Candidus," see *Massachusetts Centinel*, Dec. 26, 1787 (article signed "Candidus," — a transparent personation); Dec. 29 ("Thomas à Kempis"); Jan. 5 (card signed by Jonathan and Benjamin Austin); Jan. 9 ("Honestus Jr.").

² *Independent Chronicle*, Dec. 20, 1787.

24 ARGUMENTS AGAINST THE CONSTITUTION.

Articles by
"John de
Witt."

Similar to these letters in literary ability, but far surpassing them in extravagance of declamation, is a series of articles by "John de Witt," which appeared in the *American Herald* of Boston during October, November, and December, 1787. These articles were addressed "to the free citizens of the Commonwealth of Massachusetts," and their especial object was to influence the election of delegates to the State Convention.

Their
contents;

The series is constructed with consummate skill. In the first article the writer begins temperately with the statement that the eagerness with which the Constitution was received by "certain classes of our fellow citizens" should teach the necessity of inquiry and delay in its adoption.¹ In the next he gradually grows warmer, animadvertes upon the lack of a Bill of Rights, predicts that, when the new plan is once adopted, amendments can never be made except by force of arms, and asserts that if they are to accept the Constitution they must be prepared to determine: "That the present Confederation shall be annihilated:—That the future Congress of the United States shall be armed with the powers of Legislation, Judgment and Execution:—That annual elections in this Congress shall not be known, and the most powerful body, the Senate, in which a due proportion of representation is not preserved, and in which the smallest State has equal weight with the largest, be the longest in duration:—That it is not necessary for the publick good, that persons habituated to the exercise of power should ever be reminded from whence they derive it, by a return to the station of private citizens . . . :—That you will hereafter risque the probability of having the Chief Executive Branch chosen from among you; and that it

Results of ac-
cepting the
Constitution;

¹ *American Herald*, Oct. 22, 1787.

is wholly indifferent, both to you and your children after you, whether this future Government shall be administred within the territories of your own State, or at the distance of four thousand miles from them.— You must also determine, that they shall have the exclusive power of imposts and the duties on imports and exports, the power of laying excises and other duties, and the additional power of laying internal taxes upon your lands, your goods, your chattels, as well as your persons at their sovereign pleasure:— That the produce of these several funds shall be appropriated to the use of the United States, and collected by their own officers, armed with a military force, if a civil aid should not prove sufficient:— That the power of organizing, arming and disciplining the militia shall be lodged in them . . . ; they shall have also the power of raising, supporting and establishing a standing army in time of peace in your several towns, and I see not why in your several houses:— That should an insurrection or an invasion, however small, take place, in Georgia, the extremity of the Continent, it is highly expedient they should have the power of suspending the writ of Habeas Corpus in Massachusetts, and as long as they shall judge the public safety requires it:— You must also say, that your present Supreme Judicial Court shall be an Inferior Court to a Continental Court, which is to be inferior to the Supreme Court of the United States:— That from an undue biass which they are supposed to have for the citizens of their own States, they shall not be competent to determine title to your real estate, disputes which may arise upon a protested Bill of Exchange, a simple note of hand, or book debt, wherein your citizens shall be unfortunately involved with disputes of such or any other kind, with citizens either of other States or foreign States. . . . In short, . . . you must determine that the Constitu-

Dangerous
powers in
Congress,

and in the
Federal
courts ;

tion of your Commonwealth, which is instructive, beautiful and consistent in practice, . . . a Constitution which is especially calculated for your territory, and is made conformable to your genius, your habits, the mode of holding your estates, and your particular interests, shall be reduced in its powers to those of a City Corporation. . . . In this new-fashioned set of ideas," he concludes, "and in this total dereliction of those sentiments which animated us in 1775, the Political Salvation of the United States may be very deeply interested, but BE CAUTIOUS."¹

✓ In the third and succeeding letters his tone becomes more violent. Now, he maintains, was the time to examine the Constitution, before it was too late. Its advocates were ambitious men, waiting to make it the stepping-stone to posts of honor and emolument, men openly tired of Republican government and longing for one of force. The Constitution itself was "nothing less than a hasty stride to Universal Empire in this Western World, flattering, very flattering, to young ambitious minds, but fatal to the liberties of the people." Senators would be able to hold themselves completely independent of the people, and at the same time insure repeated re-election. The President would be wholly under their influence. The small number of representatives, and biennial elections, would make of the House merely "an Assistant Aristocratical Branch;" indeed, there was a possibility that eventually the House might be dropped and the government continued under the Senate alone. In short, he maintained, "Place the Frame of Government proposed, in the most favorable point of view, . . . and enlarge as much as you please, upon the great checks therein provided, notwithstanding all which, there cannot remain a doubt

The system
purely aris-
tocratical.

¹ *American Herald*, Oct. 29, 1787.

in the mind of any reflecting man, that it is a System purely Aristocratical, calculated to find employment for men of ambition, and to furnish means of sporting with the sacred principles of human nature."¹

¹ *American Herald*, Nov. 19, 1787. In like manner, a writer signing himself "A Federalist," in the *Boston Gazette and Country Journal* of Nov. 26, 1787, tries to make use of the popular distrust of the upper classes to discredit the Constitution. "The hideous dæmon of Aristocracy," he writes, "has hitherto had so much influence as to bar the channels of investigation, preclude the people from inquiry and extinguish every spark of liberal information of its qualities." But now "the deceptive mists cast before the eyes of the people by the delusive machinations of its INTERESTED advocates begin to dissipate. Those furious zealots," he continues, "who are for cramming it down the throats of the people, without allowing them either time or opportunity to scan or weigh it in the balance of their understandings, bear the same marks in their features as those who have been long wishing to erect an aristocracy in THIS COMMONWEALTH — their menacing cry is for a RIGID government, it matters little to them of what kind, provided it answers THAT description." They demand the adoption of the Constitution, he says, because it "comes something near their wishes;" they "brand with infamy" all persons opposing it; they cry that "the whole must be swallowed or none at all," and have "strived to overawe or seduce printers, to stifle and obstruct a free discussion, and have endeavored to hasten it to a decision." Among those favoring the Constitution, the writer of this article continues, were to be found "many undesigning citizens," who wished its adoption from the best of motives; but these, he asserts, were comparatively modest and silent. The greater number were for having the people "gulp down the gilded pill blindfolded," whole and without any qualification whatever. These, he continues, "consist generally of the NOBLE order of C[incinnatu]s, holders of publick securities, B[an]k[er]s, and L[aw]y[er]s: these with their train of dependents form the Aristocratic combination — the L—y—rs in particular keep up an incessant declamation for its adoption, like greedy gudgeons they long to satiate their voracious stomachs with the golden bait. The numerous tribunals to be erected by the new plan of consolidated empire, will find employment for ten times their present number; these are the LOAVES AND FISHES for which they hun-

Articles by
"A Republi-
can Federal-
ist."

This series of articles was designed, as has been said, primarily to influence the elections to the Convention; accordingly, it ends abruptly with the Boston election early in December. Almost immediately, however, another series, over the signature of "A Republican Federalist," was begun in the *Massachusetts Centinel*, addressed "to the Members of the Convention of Massachusetts," seven numbers of which appeared before the ratification by the Convention abruptly brought it to a close. There seems to be good reason for attributing at least the greater part of these articles to General James Warren, for many years Speaker of the Massachusetts House of Representatives.¹ The argumentation is able and ingenious, and at times is unanswerable on strictly constitutional grounds. The most is made of the fact that in framing the Constitution the delegates at Philadelphia

ger; they will probably find it suited to THEIR HABITS, if not to the HABITS OF THE PEOPLE." Hence he suggests that few of them be elected to the State Convention.

Another writer ("Bostonian," in the *American Herald* of Feb. 4, 1788) calls for such an amendment to the Constitution as will exclude lawyers from a seat in Congress: their fortunes, he asserts, depended on the inaccuracies of the law, "its vague and ambiguous terms, its incomprehensibleness;" hence they were the last persons in the world to be intrusted with the function of law-making.

For an example of the "stifling free discussion" alluded to by "Federalist" above, see the *American Herald*, — the most violent of Boston's Antifederalist sheets, — for Nov. 26 and Dec. 17, 1787. In the former issue the editor inquires feelingly whether the inhabitants of Boston have become so illiberal as to refuse their custom "for impartially publishing the observations of [their] fellow citizens at a time when the happiness of posterity depends on the public decision?" After the contest was over, the *Herald* was forced to remove to Worcester, where it seems to have been assumed, though erroneously, that its Antifederalist tenets would ensure it a more liberal support.

¹ For the articles in full, and the reasons for ascribing them to him, see Appendix.

exceeded the authority delegated to them; that the system proposed had not been "agreed to" by Congress,¹ as provided for by the Articles of Confederation; that the mode of ratification proposed was unconstitutional; and, finally, that ratification would produce changes in the Massachusetts Constitution which would be a violation of that compact. "*A system of consolidation,*"² the writer asserts, summing up a long argument, "has been formed with the most *profound secrecy*, and without the *least authority*, and has been *suddenly* and *without any previous notice* transmitted by the federal convention for ratification. *Congress, not disposed to give an opinion on the plan, have transmitted it to the legislatures. The legislatures have followed the example and sent it to the people. The people of this state, unassisted by Congress or their legislature, have not had time to investigate the subject, have referred to the news-papers for information, have been divided by contending writers, and under such circumstances have elected members for the State Convention* — and these members are to consider whether they will accept the plan of the federal convention *with ALL its imperfections*, and *bind* the people by a *system of government* of the nature and principles of

Ratification will violate the State Constitution.

Procedure hasty and ill-considered.

¹ The author was evidently acquainted with the struggle which had taken place in Congress when the Constitution was transmitted to it, and with the compromise — namely, the omission of all words of approval from the resolutions accompanying it — by which its unanimous transmission to the State legislatures had been secured.

² That it was *intended* to produce a "consolidation of the union," which he interprets as equivalent to "an abolition of the State governments" (No. VI, *Massachusetts Centinel*, Feb. 2, 1788, "Extra"), he proves by the letter to Congress accompanying the Constitution (No. II, *Ibid.*, Jan. 2). In framing and submitting the Constitution, he maintains, the members, though animated by "honest zeal," were guilty of "usurpation" and "tyranny" (No. IV, *Ibid.*, Jan. 12).

Establishes
precedent for
despotism.

Property will
be the basis of
representation
and suffrage,

and Congress
will control
elections.

which they have not at present a clearer idea than they have of *the Copernican system*.”¹ As for the proposed plan itself, he asserts that it is “excellently well adapted . . . to the establishment of a *baleful aristocracy*,”² and that it “establishes a precedent . . . for building on its ruins a *complete system of despotism*.”³ He undertakes to show that “there is a probability if not a certainty, that when Congress shall have established their *revenue-acts* and *standing army*, which will be accomplished in a few years, they will reduce the number of representatives so low, and regulate their elections in such a manner, as effectually to destroy the representation of the people.” Property, he asserts, will probably be made the basis of apportionment and the suffrage, “whereby sixty or a less number of wealthy men, may elect as many representatives as sixty thousand yeomen.”⁴ All difficulties will be evaded by means of the “omnipotent” necessary-and-proper clause, and by the abolition of the State governments, which will follow the adoption of the Constitution.⁵ Thus, only a few persons, he maintains, will be eligible to office. On the other hand, the revenue laws and the civil establishment “will necessarily produce through the Continent *swarms* of officers,” with whom will act the military officers, militia officers, and all the officers of the late army. With such support, how easy then will it be for Congress, which will be composed of able men, to “establish the elections of federal representatives at the *metropolis* [or] *any other place*, in each state, and when this is effected, to collect the *congressional* or *crown* officers (as they soon will be called)

¹ No. II, *Massachusetts Centinel*, Jan. 2, 1788.

² No. VII, *Ibid.*, Feb. 6, 1788.

³ No. IV, *Ibid.*, Jan. 12, 1788.

⁴ No. VI, *Ibid.*, Jan. 30, 1788.

⁵ No. VI, *Ibid.*, Feb. 2, 1788, “Extra.”

at that place, and carry the elections for these senators and representatives who shall be in the aristocratical interest of the federal government, leaving out all *honest republicans*, who shall have been so vulgar as to have paid any regard to the interest of their constituents?"¹ In fine, he maintains, there were but two safe courses for the Convention to pursue. One was to adjourn until the sense of Virginia, the second great leader of America, could be known; the other was "to return the proceedings of the federal Convention to the legislature," to be remitted to Congress, there to be amended and re-submitted to the States in a manner agreeable to the provisions of the Articles of Confederation. The acceptance of the Constitution as it stood, he claimed, would be in effect a dissolution of the government of Massachusetts, a violation of the compact contained in the State Constitution, and hence could not be binding on the citizens of the State.²

Advises adjournment, or return of Constitution to Congress.

Of quite a different stamp from the foregoing were two letters which appeared in the *Centinel* of January 26 and February 2, and which equally with the above were designed to influence the action of the Convention. The signature attached to these was "Hampden;" the author may, possibly, from internal evidence, be identified with James Sullivan.³ In them a series

Letters of "Hampden."

¹ No. VII, *Massachusetts Centinel*, Feb. 6, 1788.

² No. V, *Ibid.*, Jan. 19, 1788; also No. I, Dec. 29, 1787. The Federalists grew exceedingly restive under this stream of absurd argumentation. Their temper is shown by a card addressed to the author of the articles. "But thou—Oh! the extremity of cowardice!" it runs, "afraid to be a rogue, and not wishing to be an honest man, art chequered with a mixture of open depravity and deceiving profession." It asks him whether he considers the "tender laws" a violation of compact, and advises him to desist. (*Ibid.*, Jan. 16, 1788.)

³ The objections stated by Sullivan in a letter to Rufus King, Sept. 28, 1787, are, so far as they go, identical with those advanced

32 ARGUMENTS AGAINST THE CONSTITUTION.

Proposed
moderate
amendments,

of amendments was proposed, some of which might well have been adopted. They provided (1) for the limitation of Congressional regulation of elections to cases where States might themselves refuse to prescribe time and place therefor; (2) for the issue of the writ of *habeas corpus* by the State Supreme Courts, as well as by the Federal Courts; (3) for the elimination of the word "taxes" from the section defining the powers of Congress, thus restricting the possible sources of revenue to "duties, imposts and excises;" (4) for the omission of the words "between a State and citizens of another State," and "between citizens of different States," in the section defining the jurisdiction of the Federal Courts: "Laying a State liable to be sued," he says, "robs it of all its sovereignty;" (5) for the trial by a jury of all issues of fact; and (6) for jury trial "in, or near the County," in criminal cases. The provision of the Constitution concerning amendments he liked exceedingly, so far as it related to amendments the necessity for which should arise after the new government had gone into operation; but for those the necessity for which now seemed apparent,

by "Hampden" (*Life of King*, I. 259). Moreover, in 1789 Sullivan published a pamphlet against the suability of the States; and this also is one of the points of objection upon which stress is laid by "Hampden." From Amory's biography of Sullivan we learn that he was suspected, at the time, of writing other articles against the Constitution. On the other hand, it is pretty certain that Sullivan was the author of seven rather vigorous Federalist articles, over the signature "Cassius," which appeared in the *Massachusetts Gazette* between Nov. 27 and Dec. 25, 1787 (reprinted in Ford, *Essays on the Constitution*, and Scott, *The Federalist and other Constitutional Papers*). This in itself is not incompatible with his authorship of the "Hampden" letters as well; but "Hampden," in his communications, expressly states that he has not had a hand in the publication of previous articles concerning the Constitution. Still, this is not conclusive.

he advocated a different procedure. Let the State Conventions ratify on condition that the new Congress should, at the very outset, in joint session, voting by States, take into consideration the amendments proposed by the several Conventions, those in which any seven States agreed to be forthwith incorporated into the Constitution; if there were none in which seven States agreed, then the Constitution should remain as it was.¹

and advises
conditional
ratification.

As has before been stated, most of the articles against the Constitution — and for it, too, it may be added — originated at or near Boston. In the interior of the State only two contributions of any considerable length seem to have been made to the literature against the new system. One of these appeared in the *Hampshire Chronicle* of December 11 and 18, and is given in the Appendix to this paper. It is an able, fair-minded production, showing a considerable degree of political knowledge and independence of thought; but it is tinged with a democratic jealousy of government and a distrust of commercial interests which was then characteristic of most of the rural districts of this State. The proposed Constitution, this writer maintained, was a subversion of the compact contained in the Articles of Confederation. The abandonment of annual elections, of the power to re-

Letters of
"Cornelius."

¹ *Massachusetts Centinel*, Jan. 26 and Feb. 2, 1788. The plan of amendment here suggested differs somewhat from that proposed by others. "An Old Whig," following apparently the course suggested by R. H. Lee (to Samuel Adams, Oct. 5, 1787, *Memoir of R. H. Lee*, II. 74), proposes: (1) That each Convention state its objections and propose its amendments; (2) that these be transmitted to Congress, to be referred to another Federal Convention; (3) that the States pledge themselves to abide by the result; (4) if for any reason a Convention should fail to meet, then let the State Conventions pass finally upon the Constitution as it stands. See *Salem Mercury*, Dec. 18, 1787, from *Freeman's Journal*.

Power of Congress over elections.

call delegates in Congress, and of their payment by the individual States, were material defects in the scheme. The power of each house to judge of the qualifications of its members was "equal to that of a negative on elections in general." The writer could conceive of only one reason why power to prescribe the times, manner, and especially the places of elections had been given to Congress, — namely, that thereby it might manipulate the elections in favor of its own members, by holding them in "such particular parts of the several States where the dispositions of the people shall appear to be the most subservient to the wishes and views of that honourable body; or where the interests of the major part of the members may be found to lie."

Mercantile interest will dominate.

Furthermore, it would be possible for Congress to prescribe that elections should be by a plurality and not by a majority vote. This would benefit the seaboard, or mercantile section, at the expense of the interior, or agricultural section. On the seaboard the population was numerous, and intercourse was constant; voters there would thus be enabled to "centre their votes where they please." In the interior the case was different. There the inhabitants were scattered far and wide, and had but little intercourse with each other. For them to concert plans for carrying an election was accordingly out of the question: their votes, "if given at all, will be no less scattered than are the local situations of the voters themselves. . . . Thus I conceive," the writer continues, "a foundation is laid for throwing the whole power of the federal government into the hands of those who are in the mercantile interests; and for the landed, which is the great interest of this country, to lie unrepresented, forlorn, and without hope."¹ In elections to the

¹ In both this and the preceding series of articles, it will be observed, the assumption is made that the election of representa-

presidency, he feared that venality and corruption would enter, and that there would be "violent competitions" between individuals, between States, between the east and the south, and that pretexts for armed conflict would easily be found. The burden of taxation, he thought, would be insupportable; the apportionment of direct taxes he knew to be unequal and injurious to the non-slaveholding States. In fine, he said, he should be most agreeably disappointed, if the new government did not "prove, in its operation, to be one of the most unequal, arbitrary, oppressive, venal and corrupt governments that is extant."¹

Corruption
and violence
feared.

The other article contributed to the discussion by the western part of the State appeared in the *Worcester Magazine* for the first week in February, 1788, over the signature of "A Watchman." It is stated to be the first production against the Constitution in Worcester County. In political and literary ability it is far below the preceding article; but its prevailing tone is that of gross ignorance and misconception, rather than of political knavery. It illustrates, probably, the effect of inflammatory articles, such as those by "A Republican Federalist" and "John de Witt," upon the mind of the average farmer, and may be looked upon as representing the sentiments of the majority of the Antifederalists of that section. The new Constitution, the author asserts, "appears much like an aristocratical form; and will, if it is established, demolish a part of

Article by "A
Watchman."

tives to Congress would be held in each State in practically the same manner as that in which elections for Parliament were held in England in each county, — namely, in a primary meeting, in which all representatives for that State would be chosen, and to which all persons must come or lose their votes. This assumption is comparatively common in the Antifederalist literature. That it was legally possible to adopt such a method seems indisputable.

¹ *Hampshire Chronicle*, Dec. 11 and 18, 1787.

Monarchy
and military
government
feared.

Freedom of
religion, of
speech, and
of the press.

State govern-
ments almost
annihilated.

our democratical government, and deprive us of a part of our liberties." If they should suffer it to be established, "it is probable that in a few years some designing men will attempt to pull that down, and set up one that is monarchical, and so bring the country under a military government." Then follow the specific objections which he finds to the new system. Jews, Turks, and heathen may hold even the highest offices under the Constitution, but "there is no liberty given to the people to perform religious worship according to the dictates of their consciences." Freedom of speech and the liberty of the press are not provided for. To vest the legislative power in three branches "will be a great clog to business, and a hindrance to the making of laws with expedition and dispatch." The age and residence qualifications for office will sometimes deprive "men that are endowed with the wisdom that is from above, from entering into Congress." The Constitution "augments the members of Congress, and makes the government more expensive." It deprives the people of the liberty of choosing their delegates annually and recalling them at pleasure. It "almost annihilates the state governments, and deprives their legislation [*sic*] of the power of making their own laws." It makes no provision against keeping up standing armies in time of peace. It "deprives the people of the power of levying and collecting their own taxes." It vests Congress with the power to tax all the States, enforcing payment by means of the army. It "deprives the people in the several states of the liberty of making their own constitution, and vests it in the hands of Congress." Finally, it "deprives the inhabitants of each state of the power of choosing their superiour and inferiour judges."¹

¹ *Worcester Magazine*, IV. 242-3.

From the foregoing account a sufficient idea may be gained of the temper, the objections, the arguments, and the course advocated by the opponents of the Constitution, so far as these were expressed in the public prints. Even under the best circumstances, however, it is difficult to determine the exact degree of sincerity which attaches to such utterances. Their prime object is always to influence the minds of other men; hence party or personal interest, or the natural desire to make good one's cause, frequently leads to the enunciation of views that would not privately be maintained. Accordingly, it will be well to reinforce the above exposition by a few extracts from private letters. In these we may hope to get at the real opinions of those who opposed the adoption of the new plan of Federal government.

Private letters.

Among the few letters of this sort which have come down to us, those from Thomas B. Wait, of Portland, are noteworthy. A printer, and a citizen though not a native of Boston, he had left the *Chronicle*, on which he had been employed, and in 1785 had established the *Falmouth Gazette*, or, as it was soon called, the *Cumberland Gazette*, the first newspaper published in the province of Maine. He was a man of ardent temperament, outspoken, strong-minded and independent of character. It is significant of him that he was always more or less unpopular in the community in which he lived, because of his freedom of speech, his advocacy of unpopular candidates, and, later, his warm support of the nascent theatre.¹ As the publisher of a newspaper, the arguments of both sides in the Constitutional contest came to his hands. Like many another, he favored the Constitution when he first saw it, because, as he said, of his love and venera-

Thomas B. Wait, of Portland.

His character.

¹ Willis, *History of Portland*, pp. 596-8.

Influences
affecting
his course.

tion for Washington and Franklin; but the "unprecedented Conduct of the Pennsylvania Legislature," in the means used to call its State Convention,¹ disposed him to lend an ear to the arguments of the opposition, in the belief that they had been ill used. Then came the address of the seceding members of the legislature of that State; he found this "like the Thunders of Sinai, its lightnings were irresistible." Thereupon he began a careful examination of the subject, reading "every argument" put forth by either side. As a result, he was soon "constrained to say" that he was dissatisfied with the proposed system, and was forced to open hostilities upon it in his paper.

His objec-
tions.

His objections he details at some length to George Thatcher, one of the Massachusetts delegates in Congress. As the latter was one of Wait's most intimate friends, and at the same time an ardent Federalist, Wait's letters bear all the marks of candor and sincerity. He did not condemn the new system "by the lump," but only in part. A Bill of Rights, he thought, would remedy most of the evils which he saw, or thought he saw. "I consider the several States," he said, "to stand in a similar relation to the Nation, and its Constitution — as do individuals to a State and its Constitution — the former have certain rights, as well as the latter that ought to be secured to them — otherwise . . . the whole will be '*melted down*' into one nation; and

Bill of Rights
needed.

¹ The aristocratic party happened to be in power in Pennsylvania at the time when the Constitution was reported by the Federal Convention. As their tenure of power was precarious, they not only used great precipitancy in calling a convention for ratification, even introducing resolutions for a convention before Congress had formally transmitted the new plan to the States, but also resorted to mob violence to compel the attendance of members of the opposing party, who had bolted in order to break the quorum. See McMaster and Stone, *Pennsylvania and the Federal Constitution*.

then, God have mercy on us — our liberties are lost — The vast Continent of America cannot be long subjected to a Democracy, if consolidated into one Government — you might as well attempt to rule Hell by Prayer." The argument which Thatcher adduced from the origin of the English Bill of Rights, Wait characterized as of no worth; such a declaration, he maintained, was as good to defend liberties as to gain them. So, too, he denied the soundness of the argument which James Wilson, in his famous speech, drew from the difference between the State Constitutions and the one prepared for the Federal government: if in the former all power not reserved was given, argued Wait, while in the latter all power not expressly given was reserved, why then was it necessary to put limitations on the power of the Federal government in the matter of suspending the writ of *habeas corpus*, passing bills of attainder, conferring titles of nobility, etc.? The danger was increased by the nature of the new plan itself. "There is," he maintained, "a certain darkness, duplicity and studied ambiguity of expression running thro' the whole Constitution which renders a Bill of Rights peculiarly necessary. — As it now stands but very few individuals do or ever will understand it, consequently Congress will be its own interpreter." For instance, take the article on taxation and representation: this, he maintained, was a "puzling Cap." If by "all other persons" it meant slaves, "who, in the name of God, but the *majority* of that hon' body, would ever have tho't of expressing like ideas in like words!" These ideas, too, were worse than their mode of expression; for why should "a Southern *negro*, in his present debased condition," be represented more than "a northern *Bullock*"? In conclusion, he turned the tables upon Thatcher by earnestly exhorting the latter to reconsider his own opinion with reference to the

Studied
ambiguity of
Constitution.

Representa-
tion of slaves.

Constitution, confident that on further consideration he too must take his stand with the opposition.¹

As Thomas B. Wait represented one type of the intelligent opposition, so Silas Lee, of Biddeford, represented another. The latter was then a young man of twenty-seven, a native of Concord, and a graduate of Harvard College. He had studied law with Thatcher at Biddeford, and now had just begun what was to prove a notable career as a member of the Maine bar.² His letters show that he was possessed of an able and well-balanced mind, open to conviction. His attitude toward the Constitution, therefore, is significant. He had not, he wrote to Thatcher, any fixed objections, but he had some very grave doubts. The lack of a Bill of Rights, however, which gave his friend Wait so much anxiety, was "not one of them": as such a bill would give up all rights not particularly secured therein, it might make the Constitution more dangerous, unless it curtailed some powers already given. His doubts related to the positive provisions of the Constitution, rather than to its omissions. The three-fifths representation of slaves, he feared, would give the southern States an undue influence in legislation. The Congressional control of elections left unsecured even what representation had been given to the eastern States. Sexennial elections for senators, unless guarded by rotation,—say, two successive terms and then ineligibility,—he feared, would be dangerous. The powers given Congress, he thought, were too general: might not the general-welfare clause, he asked, "be construed to extend to every matter of legislation," and Congress under it be enabled to stop as libellous the publication

Silas Lee, of
Biddeford.

Lack of Bill of
Rights not an
objection.

Implied
powers.

¹ Letters to Thatcher, Nov. 22, 1787, and Jan. 8, 1788, *Thatcher Papers*, Nos. 3 and 11.

² Willis, *Law, Courts, and Lawyers of Maine*, pp. 152-4.

of all criticisms on the government? He was afraid, too, that there were implied powers in the Constitution; else why were there any negatives or restrictions put on Congress? Under the Constitution, the holders of State securities, he thought, would have a remedy for non-payment thereof, by suit in a Federal court against the State issuing the same. Finally, why was the Constitution "a compact of Individuals, instead of a Confederacy of States"? He feared that thus the Constitution would "finally consolidate the States — or rather totally annihilate the State Governments;" Wilson's celebrated argument based on the necessity to the Constitution of the State governments being in his opinion inconclusive, owing to the power of Congress to regulate elections. He foresaw, he said, that he would be told that these fears were founded in distrust of the rulers. Experience, however, had taught mankind that there was danger in giving up too much power. If there was no need of restraint, if Congress would have only the greatest interest of the people in view, why then was there need of a Constitution at all? Why not "give them the power of governing us at pleasure"?

Consolidation
feared.

Such was the attitude of Lee in January, before reading the arguments used in the Massachusetts Convention. These, however, "removed almost every doubt or difficulty from [his] mind," so that on news of the ratification with the recommendation of amendments, he was able to "sincerely congratulate" Thatcher upon the adoption as the safest alternative presented.¹

Lee's ob-
jections
removed.

Another young lawyer whose views on the Constitution have come down to us is William Symmes, of

William
Symmes, of
Andover.

¹ Letters of Jan. 23, Feb. 7, Feb. 14, Feb. 29, *Thatcher Papers*, Nos. 19, 28, 33, 42.

Declaration
of his views.

Andover. He graduated from Harvard in 1780. He then spent some time in Virginia as a private tutor, studied law with Theophilus Parsons at Newburyport, and finally, about 1783, opened an office in the north parish of Andover, — the first law-office in the town.¹ On the one hand, his opinions possess greater importance than those of Lee, because he was elected delegate to the State Convention; on the other, their candor is less certain, as the letter containing them, though professedly written for the perusal of its recipient only, bears the earmarks of a declaration of the platform on which he stood for election to the Convention. Views may have thus been brought to the fore which he knew would secure him the favor of his strongly Antifederalist constituents. There is in the letter a good deal of such rant as we should expect in a town-meeting speech on the subject; but, because of his course in the Convention, it will be well to go through the document and pick out the real objections alleged against the proposed system.

Equality of
States in the
Senate.

First, he finds the ratio for the apportionment of direct taxes unequal and unjust. The equality of representation that lingers in the Senate is a great grievance: it is "ridiculous" that Delaware should have as much weight in that body as Massachusetts. The power of Congress over the regulation of elections calls forth a great deal of poor rhetoric; so, too, the exemption from publication of such parts of the Journals of Congress as in the judgment of that body require secrecy. Of the taxing power he says: "A more general . . . surrender of all y^e property in the United States to Congress could not perhaps have been framed." More temperate objection is made to the

¹ Memorial discourse by N. W. Hazen: Essex Institute, *Historical Collections*, October, 1862; see also Willis, *Law, Courts, and Lawyers of Maine*, pp. 149-51.

power to maintain an army in time of peace. To the exclusive jurisdiction granted over the proposed Federal district he does not object in itself, as it will render Congress "secure from *little* mobs, and so it ought to be;" but he objects to its presence in the Constitution. When he reaches the clause prohibiting to the States the power to emit bills of credit, or to make tender laws, he exclaims, "Here I suppose the principal weight of opposition will hang." For his own part, he was "directly opposed to paper money" in almost any case; but he thought that the States ought to have the power to issue, though not to make such issue legal tender: otherwise, they would "be in a worse situation than any individual, who, if he has not the cash in hand, may give his promissory note." As to the other tender laws, he thought them "but poor expedients," yet "such as a state may possibly need." Consequently, he wished that "the abolition of these abuses might be deferred until we are in a more prosperous situation." The treaty-making power he thought not sufficiently guarded: two-thirds of a quorum of the Senate — that is, ten members — might with the President make any treaty they pleased; while eight senators were enough in like circumstances to appoint ambassadors, judges, and almost all officers. The President he rails at as an "elected King," and criticises the absence of a provision for a council to share with him the duties of his office. To the judicial power he objects, on the ground that appeals might carry a suitor six hundred miles to the seat of the Federal Court. The jurisdiction of the Supreme Court as to law and fact, he in common with many others found a great objection. Finally, the clause guaranteeing a republican form of government to every State, he thought, "meddles too much with the independence of the several States," while it "answers no valuable

Bills of credit
and tender
laws.

Treaty-mak-
ing and
appointing
powers.

Too much left
to future
Congresses.

end." In conclusion, it seemed to him that too much was left for the future Congresses to supply. The States were strictly confined to their own business, and even in this their powers were not a little circumscribed. "In short," he said, "the system would make us formidable abroad, and keep us very *peaceable* at home, and, with some amendments, might do very well for us, if we would be contented to become citizens of America, and confuse the thirteen stripes, and change the stars into one glorious sun. . . . So great a revolution was never before proposed to a people for their consent. . . . Let us equally shun a hasty acceptance or a precipitate rejection of this all-important scheme." ¹

Advises deliberation.

¹ Letter of Nov. 15, 1787, to Captain Peter Osgood, Jr. : Essex Institute, *Historical Collections*, October, 1862.

CHAPTER III.

CALLING THE CONVENTION.

IN the foregoing account of the discussion of the Constitution, it has been necessary to anticipate somewhat the official action of the State upon the subject. This began on October 18, with Governor Hancock's speech opening the session of the State legislature. Although the opposition was not then so pronounced as it was later to become, the first burst of applause with which the new system was received had subsided, and it had become evident that the new plan of government was not to be adopted in Massachusetts without a struggle. Doubtless this fact had its influence in determining the Governor's treatment of the matter. He had directed the Secretary, he said, to lay before the legislature the documents received from Congress; but inasmuch as it was "not . . . within the duties of [his] office to decide upon this momentous affair," he contented himself with calling attention to the "truly respectable" characters of the gentlemen who had framed the Constitution, and their remarkable unanimity in accomplishing so complicated a task; adding that he was persuaded that the delegates in the Convention which was to be called "will be able to discern that, which will tend to the future happiness and security of all the people in this extensive country."¹

The Governor's address.

¹ *Worcester Magazine*, IV. 43; *Debates of the Convention* (1856), p. 18.

Parties in the legislature.

The legislature to which the Constitution was thus referred was distinctly "populistic," to use a term of our own day. It had been elected, at the same time with Hancock, in the reaction against the vigorous administration by which Governor Bowdoin had a few months before put down the revolt of Shays and his followers. The strength of the rival forces in the body may be seen from the fact that, by a vote of one hundred to seventy-five, steps were soon after taken in the House for the continuance of the Tender Act.¹ It is interesting, therefore, to note with some care the measures proposed as to the Constitution, for they afford additional indication of the attitude which was being taken by the debtor-democratic element throughout the State.

Action of the Senate.

In the Senate a motion for calling a convention was made on October 19, the day after the matter was submitted to the legislature by the Governor. This passed on the 20th, apparently without opposition. On the 22d the matter came up in the House, where it was debated at length. Dr. Kilham of Newburyport opposed the measure. It was inexpedient to "forward" the proposed government, he maintained, as it might lead to confusion and civil war; it was unjust to do so, because it destroyed the compact contained in the Articles of Confederation. Some persons had said that "unless the new government was pressed into immediate adoption it would not go down." This was one reason why he was opposed to a premature transmission of the business to a convention. Another member, William Widgery of Maine, who was to play a prominent part in the Convention, favored its transmission to the people, but objected to the mode provided for that purpose. Some of the towns, he

Opposition in the House.

¹ *Massachusetts Centinel*, Nov. 7, 1787.

maintained, were too poor to support a delegate to the Convention; accordingly, he favored the method by which the State Constitution had been ratified, and which Rhode Island was shortly to adopt with reference to the Federal Constitution, namely, a submission of the matter directly to the people in their town-meetings.

Reference to
the towns
advocated.

Had this proposition prevailed, the proposed system would unquestionably have been rejected by an overwhelming vote. The avowed motive for direct action by the voters was, however, taken away by an amendment providing that the delegates should be paid out of the public treasury; and this proposition was thereupon dropped. An attempt then was made to change the place of meeting from Boston to some town where the Convention would be less exposed to dangerous mercantile and aristocratic influences. One member moved to hold it at Worcester; another at York, Maine. This diversity of views saved the provision as it stood. Two other amendments were made, however, which were distinctly, though legitimately, in the democratic interest. One of these changed the date of meeting from the "second Wednesday of December next," as provided by the Senate, to the "second wednesday of January," and was designed to give the people more time to consider the matter. The other provided for the distribution of three copies of the Constitution, instead of but one as provided by the Senate, to each town in the Commonwealth; while additional precautions were inserted to secure prompt and certain delivery. The tendency of these alterations was distinctly toward a more intelligent decision. With these amendments the call then passed the House, October 24; though thirty-two out of one hundred and sixty-one members still opposed the measure. On the next day the

Amendments
in the House.

Call issued
Oct. 25.

Senate concurred in the amendments, and the call was issued.¹

Action of
the towns.

Thus the matter was transmitted to the towns for their action. Nothing could be more helpful in determining the causes of the opposition to the Constitution, than a knowledge of the debates and the votes which thereupon ensued in the town-meetings throughout the State. With such information we could be more certain of penetrating the minds of the average voters, and ascertaining their doubts and fears, their ideals of government, the secret springs of their action. Such knowledge, however, is almost totally denied to us. The records of many of the towns contain only the names of the delegates chosen, without mention of votes cast or instructions given. The town histories usually glide over this subject with at best a few general remarks. It is only here and there that more can be learned.

Towns failing
to send dele-
gates.

In spite of the vital importance of the question at issue, it appears from the Journal of the Convention that out of a total of some three hundred and eighteen towns that were entitled to send delegates, forty-six refused, or failed so to do.² It should be stated, however, that this number is considerably smaller than the history of the General Court would have led one to expect. Of the delinquents, thirty-one were from Maine, and were for the most part the more recently

¹ The manuscript resolve in the archives at the State House is the only source showing the amendments made. The debates were reported (from memory) in the *Massachusetts Centinel* of Oct. 27, 1787, and in other papers of the time; the account given by the *Independent Chronicle* is reprinted in the *Debates of the Convention* (1856), pp. 19-21; the call itself may be found on pp. 22-4 of the same.

² The Journal of the Convention may be found in the edition of the *Debates of the Convention* issued by the State in 1856.

incorporated districts, where the pressure of debt and the struggle with the wilderness limited political interest chiefly to the election of the sheriff.¹ Four of the remaining fifteen were on the Cape, where the prevailing interests were almost equally removed from the general current of politics.

In most of the towns, the majority of the inhabitants had already taken their stand either for or against the proposed system, and delegates were chosen who were known to be in sympathy with the views of the majority. At Vassalborough, Maine, when it was found that the delegate who had been elected was in favor of the Constitution, another meeting was held, he was "turned . . . out," and another, who was "decidedly against it," was chosen.² At Topsham, in the

Vassalbor-
ough and
Topsham, Me.

¹ The people of Maine, according to Willis (*History of Portland*, p. 601), had taken little interest in the question until the time came to choose the delegates, for the reason that communication was difficult and the public mind was not easily brought to bear upon the matter. The movement for separation from Massachusetts, which then occupied the public mind, may also help to account for the apparent apathy of large portions of the inhabitants of that province.

At Biddeford, the town held a meeting, December 12, to choose delegates; but, in the language of a Federalist, "a dumb Devil seized a Majority & they voted not to send, & when called on for a Reason they were dumb, *mirabile dictu!*" (Jeremiah Hill to Thatcher, Dec. 12, 1787, *Thatcher Papers*, No. 6.) A petition to reconsider the matter was, however, presented to the selectmen, and at the meeting called in response thereto it was decided by a vote of 25 to 23 to send a delegate; then by a vote of 18 to 30 an Antifederalist was chosen. (Hill to Thatcher, Jan. 1, 1788, *Ibid.*, No. 9.) No return of the election, however, seems to have been made, nor did the delegate, "A. Smith," attend the Convention. The representation from the county as a whole, Hill sums up as "4 pro's and 10 con's." "However," he adds, "I think we are better represented in this Convention than we have been at the G. C. these two years past: if I recollect right we never had more than three & sometimes no more than one who were for opposing Shays *vi et armis.*" (*Ibid.*)

² *Ibid.*, No. 19.

same province, the delegate stated in the Convention that his town "considered it seven hours, and after this there was not one in favor of it."¹

Contest
at Great
Barrington.

At Great Barrington, Berkshire, one of the chief seats of the troubles of the preceding year, there was a very animated contest. At a meeting held November 26, an Antifederalist delegate was chosen by a small majority and a committee of four was appointed to draw up instructions for him. The report made by this committee recites, (1) that the legislature had gone beyond its authority in sending delegates to the Philadelphia Convention; (2) that even had the delegates been constitutionally appointed, their commission extended only to amending the Articles of Confederation; and (3) that the Constitution that had been presented to them was "by no means Calculated to Secure to us and our Posterity those Estimable Liberties and Privileges which God and Nature have given us a Right to enjoy, Secure and defend:" therefore the delegate was instructed "Not to give [his] vote for the adopting the said Constituion," and to call for the yeas and the nays on the question, "that the world may know who are friends to the Liberties of this Commonwealth and who not." After an animated and protracted session, an adjournment of one week was secured, without action on the foregoing report. The attendance at the next meeting was larger than for many years; and it was voted, fifty-five to fifty-one, not to accept the instructions, and to reconsider all votes passed at the previous meeting. Then the Federalist candidate, who had been defeated at the former meeting, was elected by a narrow majority.²

A Federalist
elected.

¹ *Debates*, p. 197.

² Taylor, *History of Great Barrington*, pp. 317-8. See also the remonstrance of the defeated party to the Convention, in *Debates of the Convention* (1856), pp. 53-5, note 12.

At Sheffield, in the same county, the Antifederalists claimed that the hat in which the ballots were deposited was stuffed by their opponents, and that persons who were not qualified were voted, to secure the election of the Federalist candidate.¹ At Williamstown, also in Berkshire, the election was contested on the ground that the decision in favor of the Antifederalist candidate was illegally reconsidered, and snap judgment taken at a subsequent meeting.² At Roxbury,

Sheffield, Williamstown,
and Roxbury.

¹ Remonstrance, in *Debates*, p. 52, note 11. The remonstrants say: "We wish for nothing more than to have a firm Stable inirgetick Government both Federal and State . . . ; but when we see a certain Set of Men among us not only ravenously greedy to Swallow the new Fedderal Constitution them Selves but making the greatest exertions to ram it down the Throats of others without giving them time to taste it men too who we have reason to immagin, expect expect [*sic*] to have a Share in Administering the new Federal Government when we See Such Men fraudulently and basely depriving the People of their Right of Election, threatening awing deceiving Cheating & defrauding the Majority in the manner above mentioned it is to us truly alarming." See Papers of the Convention of 1788, State House.

² In a remonstrance to the Convention, the Antifederalists recite that at a meeting duly held, Mr. William Young was elected delegate "by a great Majority." "It was then motioned," the remonstrance continues, "to desolve the meeting, the Moderator then replied that the meeting was desolved, the people then began to draw off and in the evening when but few people were present they proceeded to adjourn the meeting to a future day, and on the day of the adjournment, precisely at the time a Small Number only being being [*sic*] present the meeting was opened, a number of persons present put in their votes, and the Moderator turned the Hatt before the people from the remote parts of the Town Could come in and the moderator declared Col. Thom^p J. Skinner to be Chosen." The remonstrants then recite that "the Town generally being dissatisfied with the proceedings," it was voted to adjourn the meeting as "Illegal," and that they then proceeded, "as the Law directs," to call a new meeting for January 1, at which William Young was again elected by a majority of 91 votes. The remonstrance is signed by 69 "Freeholders." The committee of the

Stockbridge
debate.

✓

Suffolk County, corrupt practices were alleged in the way of "expensive and sumptuous ENTERTAINMENTS made to Electors immediately previous to the Election" by the candidate favoring the Constitution.¹ At Stockbridge, Berkshire, the contest was of a worthier character. There, Theodore Sedgwick, after a lengthy argument, convinced the opponents of the Constitution of the necessity for ratification, and secured his own election to the Convention, where he played a leading part.² Chief of whom was John Bacon, a man of considerable reputation in the State for ability and integrity.

Convention to which it was referred, however, reported that it was "unsupported," and the Federalist candidate was allowed to take his seat. See Papers of the Convention of 1788, State House; the remonstrance may also be found, with errors of spelling and punctuation corrected, in the *Debates*, pp. 51-2, note 10.

¹ *American Herald*, Dec. 10, 1787.

² *Worcester Magazine*, IV. 139; *Life of King*, I. 264. Bacon was a graduate in theology of Princeton College, and had preached in Maryland and at Boston. At the latter place difficulties with his congregation had caused him to give up the ministry. He then moved to the western counties, and entered politics, holding at various times the positions of magistrate, representative in the legislature, judge of the Court of Common Pleas, member and president of the State Senate, and (1801-1803) representative in Congress (Lanman, *Biographical Annals*). While the Constitution was before the people, Bacon changed his views on the subject several times. In a dignified and manly card in the *Massachusetts Centinel* of Jan. 12, 1788, he says that, soon after the Constitution appeared, he had come to believe that it "was predicated on principles subversive of some of those rights, of which men in civil society ought never to be divested," and hence would have an "unequal operation, and prove too burdensome to the body of the people;" that afterwards he was "induced to give up his opinion to that of his friends, and what he took to be, the sense of the publick." "On more mature deliberation," he adds, "he has been constrained to resume his former opinion," and as his sole answer to the attacks that have been made upon him he claims the right to his own private judgment.

At Boston the Antifederalists exerted themselves, and there was an animated and protracted contest; but the odds were against them. As has already been stated, the letters of "John de Witt" were designed primarily to influence the voters of Boston against the proposed system; less pretentious efforts, also, may be found in the papers of the day in any quantity. A unique instrument to the same end was an inflammatory handbill, which was posted and dropped about the streets of Boston on November 13, and which was "liberally distributed" among the "political fathers" at the State House. The practical identity of the objections urged in it with those put forth in the letters of "Agrippa,"¹ points unmistakably to James Winthrop as its author; and the complicity of James Warren is obviously hinted at in the *Massachusetts Centinel* of November 24. The contents of the bill were as follows:—

Contest at
Boston.

"DISADVANTAGES of FEDERALISM *upon the*
NEW PLAN

1. The *Trade of Boston* transferred to *Philadelphia*; and the Boston tradesmen *starving*.
2. The *Discouragement of Agriculture*, by the *loss of Trade*.
3. People *indolent, dissolute, and vicious*, by the *loss of Liberty*.
4. An infinite *Multiplication of Offices*, to provide for *ruined Fortunes*.
5. A *Standing Army*, and a *Navy*, at *all Times* kept up, to give *genteel Employment* to the *idle and extravagant*.
6. *Importance of Boston annihilated*.
7. The *wealthy retiring to Philadelphia* to spend their *revenues*, while *we* are *oppressed to pay Rents and Taxes to Absentees*.

Antifederalist
handbill.

¹ For an analysis of the letters of "Agrippa," see above, page 21, note.

8. *Liberty of the Press restrained.*
9. *Trial by Jury abolished.*
10. *Habeas Corpus* done away.
11. *Representatives chosen in such a manner*, as to make it a *Business for Life.*
12. The *Bill of Rights* repealed.
- And, 13th. *Religion Abolished.*

All these Reasons, and many more, require the plan to be *amended*, and made *conformable* to the *Circumstances* of the People. The same objections are made in every State. — *Rouse* then, and regulate the Business so as to be friendly to *Industry, Trade and Arts.* Your Ships *now* go to every Part of the World, and carry your Produce. *Then*, they may go to *Philadelphia.*

TRUTH.”¹

¹ *American Herald*, Nov. 19, 1787. Immediately following the above in the *Herald*, with nothing to indicate whether or not it is part of the original handbill, is the following : —

“ADMIRALTY OFFICE, Philadelphia.

“The following Letter was received last evening, from Admiral —, commander of the squadron of his Highness the President General, gone against the rebels of Massachusetts, dated on board the *Tyrant*, in Boston Harbour, August 21st. 1794, and directed to the Right Honourable Mr. K[ing], his Highness’s principal Secretary of State.

“... The strength of the squadron enabled me to pass the fortress on Nantasket with considerable ease. . . . I am informed by a fish boat, which was taken coming out yesterday, that the Rebels have every thing in readiness at Castle *Wilson* (formerly Castle *William*) to give us a very warm reception. The two old Ships that were hauled up in this port are dropt down to assist in defending the pass at the Castle, but, I think, we have nothing to fear from them, as, although they have pressed every seaman in the port they could not raise but *two hundred*; the reason of this is, the *poverty* and *misery* of the place consequent on the transfer of *Commercial and Political importance* from hence to the center of *Wealth and Empire.* Although from all these circumstances, I have no doubt of giving your Lordship a good account of this Province in my next; yet I submit it, whether it will not be policy

"To insure more entire harmony," it was decided, apparently, to select the twelve delegates to which the town was entitled equally from the Hancock and Bowdoin factions.¹ For the first time in the history of Massachusetts elections, tickets or lists of candidates were published for the inspection of voters before the date of the meeting. As finally selected, the list of delegates "was the effect of a junction of the North & South caucuses² — a thing," according to Gore, "often before attempted, but never, till this hour, with success."³ It included the names of Governor Han-

Factors affecting result.

in future to conciliate these fellows by a restoration of *some* of their commercial advantages, as for instance, to allow them to send *one or two Ships annually* to the Indies, or extend a little the *limitation* of their vessels employed in *fishery*, neither the *India Company* nor the *other fisheries* would be materially injured by it. . . . The Bostonians, your Lordship knows, were formerly *remarkably tenacious* both of their Political and Commercial advantages; the instant annihilation of the one, the rapid decline of the other, and the entire innovation on the habits of the country in consequence of the establishment of the present Government, may reasonably be supposed therefore, to cause a temporary commotion.

"From some intelligence I received yesterday, I have some reason to suppose Field Marshal C——r will invest the place by land in a few days, his army is in excellent order. The instant he arrives I will dispatch a packet to your Lordship."

¹ Amory, *Life of Sullivan*, I. 221.

² The North-end caucus was composed of mechanics, mainly ship-builders; its list was published in the *Massachusetts Centinel* of December 5. Among the four other lists that may be found in the papers of the time, it is difficult to determine which, if either, is that issued by the South caucus.

³ To King, Dec. 9, 1787, *Life of King*, I. 262. The list of persons elected, with the votes, was as follows: Hancock, 751; Bowdoin, 760; Thomas Dawes, Jr., 749; William Phillips, 740; Rev. Samuel Stillman, 739; Dr. Charles Jarvis, 714; John Winthrop, 661; John Coffin Jones, 635; Samuel Adams, 628; Thomas Russell, 610; Caleb Davis, 603; Christopher Gore, 517. (*Massachusetts Centinel*, Dec. 8, 1787.) The small vote for Gore is ascribed by him to the opposition manifested toward him by Jarvis, Adams,

cock, Ex-Governor Bowdoin, and Samuel Adams. With four exceptions, the delegates were all Federalists; and means were found whereby even these four were kept silent in the Convention, and their votes ultimately secured for the Constitution.

Action of
towns as to
instructions.

Some towns gave their delegates positive instructions as to the way in which they should vote. For example, Brunswick (Maine) voted, twenty-three to seven, to accept the Constitution as it stood.¹ The neighboring town of Harpswell voted to accept it with amendments.² Harvard (Worcester County) instructed its delegate to vote in the negative, on the ground that "the proposed Constitution will, if adopted, effectually destroy the sovereignty of the States, and establish a National Government, that, in all probability, will soon bring the good people of the United States under Despotism."³

and others. Cushing, Oliver Wendell, and Joseph Clarke, whose names appear on the North-end list, were defeated, apparently, in the town-meeting. The names that appear in other lists, but not in the list of elected delegates, are those of James Sullivan, Stephen Higginson, Samuel Barrett, Perez Morton, Major William Bell, Dr. John Warren, Robert Treat Paine, Benjamin Austin, John Sweetser, Jonathan Mason, Jr., Larson Belcher, and Ebenezer Storer. Robert Treat Paine and James Sullivan are said to have been "extremely mortified" at their defeat. (See Gore's letter, cited above.) The vote cast at this meeting, in spite of the importance of the issue, was little more than one-half that cast at the next gubernatorial election. (See returns in *Independent Chronicle*, April 10, 1788.) In the election for delegates, however, the polls were kept open only from 10:00 till 12:30 (*Boston Gazette*, Dec. 10, 1787); possibly this was not the case in the gubernatorial elections.

¹ Wheeler, *History of Brunswick, Topsham, and Harpswell*, p. 132.

² *Ibid.*, p. 171.

³ *American Herald*, Jan. 21, 1788. As "a few of the most material" objections to the Constitution, this town names: the lack of a Bill of Rights, the election of senators for six years, the power of Congress to alter the time and manner of elections, its unlimited power of taxation, the four-year term of the President and Vice-

Sandwich (Barnstable County) also instructed absolutely against it, whereupon one of the delegates who had been elected, although he was then "not in favour of the constitution," exclaimed that under such instructions "the greatest idiot may answer your purpose as well as the greatest man," and resigned.¹ Other towns, such as Lancaster (Worcester County) and Sherborn (Middlesex County), although they voted instructions, yet qualified them in such a manner as really to leave their delegates free.² Others, such as Northampton (Hampshire), Westminster (Worcester), Andover (Essex), and Wells (Wells County, Maine), voted not to give instructions.³ Most of the delegates seem not to have been instructed either way; but the choice of a delegate in sympathy with the views of the majority, and his knowledge of the cool reception, if not worse,

Most
delegates
uninstructed.

President and the dangerous powers of the former, the extensive power of the judiciary, and the lack of a religious qualification for office. The opinion was also expressed, that amendments might be made to the Confederation by merely vesting greater powers in Congress, "without so totally changing and altering the same, as the proposed Constitution has a tendency to [do]."

¹ *Salem Mercury*, Jan. 15, 1788. In some cases freedom of decision seems to have been given the delegate later. In a letter from Boston, Jan. 30, 1788, it is stated that "Some of the delegates, who were instructed by the towns they represented to vote against it [the Constitution] at all events, have returned home and informed their constituents that so much light had been thrown upon the subject that they could not, as honest men, hold up their hands in opposition to the Constitution. The towns have sent them back and directed them to vote as they thought best." (*New York Advertiser*, Feb. 8, 1788; cited by Libby, *Bulletin of the University of Wisconsin*, No. I. p. 77.)

² Marvin, *History of Lancaster*, p. 322; Morse, *Genealogical Register of Sherborn and Holliston*, p. 304.

³ *Hampshire Gazette*, Nov. 28, 1787; Heywood, *History of Westminster*, p. 189; *Diary of William Pynchon*, p. 297; Bailey, *Historical Sketches of Andover*, p. 397; Bourne, *History of Wells and Kennebunk*, p. 540.

which he would receive upon his return if he went counter to the wishes of his constituents, operated in most, though by no means in all cases, to produce a harmony between the votes cast in the Convention and the actual wishes of the people.

CHAPTER IV.

OPPOSITION IN THE CONVENTION.

THE Convention that assembled at Boston, January 9, 1788, was the largest called in any State to pass upon the Constitution, the names of three hundred and sixty-four delegates being returned to it, three hundred and fifty-five of whom were present when the final vote was taken. It was the most complete representation, according to Jeremy Belknap, "that ever was made of the State of Massachusetts. Men of all professions, of all ranks, and of all characters, good, bad, and indifferent," he said, composed it.¹ According to one member, eighteen or twenty of those present had actually been in Shays's army the year previous.²

Composition
of the
Convention.

¹ Massachusetts Historical Society, *Proceedings*, 1858, p. 296, note. In the *Worcester Magazine*, IV. 231, is the following poetical characterization of the Convention, clipped from the *Massachusetts Centinel* of Jan. 12, 1788: —

✓
"Concenter'd HERE th' united wisdom shines
Of learned JUDGES, and of sound DIVINES;
PATRIOTS, whose virtues, searching times have try'd,
HEROES, who fought, where BROTHER HEROES dy'd
LAWYERS, who speak, as TULLY spoke before,
SAGES, deep read in philosophick lore;
MERCHANTS, whose plans, are to no realms confin'd,
FARMERS — the noblest title of mankind,
YEOMEN and TRADESMEN — pillars of the State:
On whose decision hangs COLUMBIA'S fate."

² *Madison Papers*, II. 669.

Federalist
leaders.

Governor Hancock, whose influence with the common people was great,¹ was elected to the chair, in order, as a Federalist said, "that we might have the advantage of [his] name, — whether capable of attending or not."² On the Federalist side the leaders were men of ability and established reputation, such as Nathaniel Gorham, Caleb Strong, and Rufus King,³ all of whom

¹ Partly because of "his wealth and social rank . . . and the chivalrous patriotism" with which he had gone into the Revolution (Colonel Joseph May, in Wells, *Life of Samuel Adams*, III. 258); partly also because he had catered to them (see, e. g., Pynchon's *Diary*, p. 54).

² Gore to Thatcher, *Thatcher Papers*, No. 12.

³ Although he had been a staunch Federalist ever since the Constitutional Convention assembled at Philadelphia, King had, on his first entrance into national politics, been an opponent to every attempt to increase the Federal power. Massachusetts, it will be remembered, by her resolves in 1785 requesting Congress to call a convention to revise the Articles of Confederation, had taken the first official action toward such an assembly. These resolves, as is well known, Gerry, Holten, and King, who were then the Massachusetts delegates in Congress, refused to lay before that body, on the ground that the Articles of Confederation were as yet untried, and hence the move was premature; that temporary commercial powers might be found to answer the needs of the general government as well as a permanent provision, and would be safer for the States; that the attempt to alter the Articles through a convention would be discourteous to Congress, as indicating a lack of confidence in that body; and, lastly, that "such a measure would produce thro'out the Union, an exertion of the friends of an Aristocracy to Send members who would promote a change of Government: & we can form some judgment of the plan, which Such members would report to Congress." The next year we find King quoting approvingly the words of John Adams: "Congress can do all a convention can, & certainly with more safety to original principles." Inside of five months, however, we find his stand with reference to a Convention changed. "For a number of reasons," he writes, Feb. 11, 1787, "although my sentiments are the same as to the legality of this measure, I think we ought not to oppose, but to coincide with

had sat in the Federal Convention; Ex-Governor Bowdoin; Generals Heath and Lincoln; the rising statesmen, Theodore Sedgwick, Theophilus Parsons, and Fisher Ames. Of those openly in opposition there was scarcely a member who could be compared with these. Dr. Samuel Holten, of Danvers, who with Gerry and King had in 1785 refused to present the resolves of the Massachusetts legislature recommending a Federal Convention, was almost the only exception; and he was present only a portion of the time, ill health, in all probability,¹ compelling his withdrawal long before the final vote was taken. The "old patriot," Samuel Adams, of whose secret opposition there can now be no doubt, was induced by various considerations to refrain from openly proceeding against the proposed system. Oliver Phelps, who had served in the commissary department during the war, and had grown rich as a merchant in Berkshire County, had been elected to the Convention; but becoming convinced, apparently, that opposition would be unsuccessful and unpopular, he had resigned his seat before the Convention met.² Nathan Dane, who with Richard

✓
Principal
Antifederal-
ists absent.

this project." Shays's rebellion was one, but not the only, factor in producing this change in King's opinions. A careful reading of his letters for this period conveys the impression of growing dissatisfaction with the workings of the government under the Articles. With longer service in Congress, and a better knowledge of the needs of the nation (he had been only thirty, and in his second year as delegate, in 1785), King had been gradually coming to a more Federal view of political matters; and it would seem that it was this gradual growth, rather than any particular event, which had led to the change. On these points, see *Life of King*, I. *passim*.

¹ See Dane to King, Aug. 12, 1787, *Ibid.*, I. 257. He was present in the Convention only eleven days. See Papers of the Convention of 1788, State House: Pay-Roll of the Convention.

² Gore to King, Dec. 30, 1787, *Ibid.*, I. 266. The influence of Osgood of the Treasury Board, by whom he was "much

Gerry's relation to the Convention.

Henry Lee had taken the lead in Congress in the attempt to amend the Constitution before submitting it to the States,¹ was mortified on his return to Massachusetts to find all whom he respected in favor of the new system; he had therefore held his peace,² but nevertheless had been rejected by the voters of Beverly, in favor of George Cabot.³ Gerry, apparently, had not been a candidate; Cambridge was so strongly Federalist that an election may have seemed to him hopeless.⁴ When the Convention assembled, however, on the motion of the opponents of the Constitution, a motion which the friends of the new system dared not oppose,⁵ he was invited to take a place on the floor to answer such questions as might be put to him; but within a few days trouble arose because, unasked, he offered certain information, a wrangle ensued which for a time threatened very serious consequences, and thenceforth Gerry stayed away from the Convention.⁶

written to on the new Constitution," seems to have been the determining factor.

¹ Madison to Washington, Sept. 30, 1787, *Madison Papers*, II. 643.

² Gore to King, Dec. 23, 1787, *Life of King*, I. 265.

³ Bancroft, *History of the Constitution*, II. 260.

⁴ Gorham to King, Dec. 12, 1787, *Life of King*, I. 263. Gerry received only two or three votes at the election. See Gore to King, Dec. 23, *Ibid.*, p. 265.

⁵ "Considering the jealousies which prevail with those who made it," wrote King, Jan. 16, 1788, ". . . and the doubt of the issue—had it been made a trial of strength—several friends of the Constitution united with their opponents and the resolution was agreed to." *Ibid.*, p. 313.

⁶ The best accounts of this affair are given by Belknap in his minutes (Massachusetts Historical Society, *Proceedings*, 1858, p. 299), and in his letter to Hazard, Jan. 20, 1788 (Massachusetts Historical Society, *Collections*, Fifth Series, III. 7-8). See also King to Madison, Jan. 16 and 20 (*Life of King*, I. 313-4); Gerry's letter to the president of the Convention (*Debates*, p. 65, note 18);

Who, then, were the Antifederalist leaders in the debates of the Convention? A half-dozen obscure men, it must be answered, whose names are utterly unknown even to most students of this period.¹ William Widgery (or Wedgery) of New Gloucester, Maine, was one of these. A poor, friendless, uneducated boy, he had emigrated from England before the Revolution, had served as lieutenant on board a privateer in that contest, had then settled in Maine, had acquired some property, and by 1788 had served one term in the Massachusetts legislature. After the Convention he was to serve a number of years in that body, and one term in Congress; and with the knowledge gained from some years' service as Justice of the Peace, he was to engage in the practice of law against the opposition of the bar and the bar rules, and finally end his life as Judge of the Court of Common Pleas.²

Antifederalist
leaders.

William
Widgery,
of New
Gloucester,
Me.

Samuel Thompson, of Topsham, Maine, was another of the Antifederalist leaders. A self-made man, he had the obstinacy of opinion which such men often show. In the Revolution he had been appointed brigadier-general of militia; but he is reported to have seen no real service, and is supposed to have been somewhat deficient in courage. He was wealthy, for the times,

Samuel
Thompson, of
Topsham, Me.

and comment on the same by "A Spectator" in the *Massachusetts Centinel* of Feb. 2, 1788 (*Debates*, p. 71).

¹ Other members on the Antifederalist side, however, participated in the debate. In Pennsylvania three men had done practically all the talking for the opposition, while the rest sat silent, except when called upon to vote. In Massachusetts the debate was much more general, a result largely due to the town-meeting training of the members.

² Willis, *Law, Courts, and Lawyers of Maine*, pp. 272-4; *History of Portland*, p. 632, note 1. According to another account, he was born in Philadelphia (Lanman, *Biographical Annals*). Like most of the Maine Antifederalists, he was in 1787 an ardent advocate of the separation of Maine from Massachusetts.

but inclined to be niggardly. In the Maine movement for separation in 1787 he had taken a prominent part. He had served for a number of terms in the General Court, and had there established a reputation as a furious haranguer, which in the Convention he was fully to sustain.¹

Samuel Nas-
son, of San-
ford, Me.

Another determined opponent of the proposed Constitution was Samuel Nason (or Nason), of Sanford, Maine.² Born in New Hampshire, and a saddler by trade, he became a store-keeper in Maine, served awhile in the war as quartermaster of a regiment, then as captain of a matross company, and finally settled as a trader at Sanford, where he soon became prominent in town affairs. In 1787 he served a term in the General Court, but declined a re-election because he felt "the want of a proper Education I feel my Self So Small on many occasions," he wrote to George Thatcher, "that I all most Scrink into Nothing Besides I am often obliged to Borrow from Gentleman that had advantages which I have not."³ His town had at first voted not to send a delegate to the Convention, but, as an inhabitant of the county puts it, Nason "come down full charged with Gass and Stirred up a 2nd Meeting and procured himself Elected, and I presume will go up charged like a Balloon."⁴ The same person, writing from Boston shortly after the adjournment of the Convention, asserts that Nason was one

¹ Wheeler, *History of Brunswick, Topsham, and Harpswell*, pp. 811-6. Pyncheon, at Andover, notes in his *Diary* (p. 298) that on February 5 nothing of importance was done in the Convention, "Boreas' blasts having equalled Genl Thompson's."

² The author of this paper desires to acknowledge his indebtedness to Mr. Edwin Emery, of New Bedford, Mass., and to Mr. G. E. Allen, of Sanford, Maine, for much interesting information concerning Samuel Nason.

³ *Thatcher Papers*, No. 37.

⁴ David Sewall to Thatcher, *Ibid.*, No. 10.

of several who "had Speeches made out of Doors."¹ The letters of "Laco" insinuate that Dr. Charles Jarvis, one of the delegates from Boston, was the author of one of these speeches.²

From Massachusetts proper, Dr. John Taylor, of Douglas, Worcester County, was the most prominent opponent of the new Constitution. He, Widgery, and Nasson are styled by Rufus King "the champions of our Opponents."³ But the slightest information, it seems, can now be gathered as to his history and personality. He had been one of the popular majority in the legislature of 1787, where he had taken an active part in procuring the extension of the Tender Law.⁴ This, however, appears to have been his only term of political service before entering the Convention.⁵ As to his character, Jeremy Belknap tells us in his comment on the debates in the Convention, that "he is cunning and loquacious, but more decent" than Widgery, Thompson, and Nasson.⁶ Another delegate from this part of the State who was prominent in the opposition was Captain Phanuel Bishop, of Rehoboth, Bristol County. In him the Rhode Island virus may be seen at work. Of his life we possess fuller details than we do of Taylor's. He was a native of Massachusetts, and had received a public school education.

Dr. John
Taylor, of
Douglas.

Capt. Phanuel
Bishop, of
Rehoboth.

¹ *Thatcher Papers*, No. 41.

² *Letters of Laco* (reprinted as *Ten Chapters in the Life of John Hancock*, New York, 1857), p. 38.

³ To Thatcher, Jan. 20, 1788, *Thatcher Papers*, No. 17. This letter is omitted from the *Life and Correspondence of Rufus King*, now being published.

⁴ *Massachusetts Centinel*, Nov. 7, 1787.

⁵ In neither the House nor the Senate Journals has the author been able to find his name, except for this one year, despite a rather close examination covering the years 1775-1790.

⁶ Massachusetts Historical Society, *Proceedings*, 1858, p. 296, note.

When or why he had been dubbed Captain, is not now apparent. Belknap styles him "a noted insurgent;"¹ and he had evidently ridden into office on the crest of the Shaysite wave. His first legislative experience had been in the Senate of 1787, where he had championed the debtor's cause. After the adjournment of the Convention he was to serve in the Senate three terms more, in the legislature four terms, and in Congress four terms.² From his speeches in the Convention, it is evident that he was equally pertinacious with the Maine leaders, while in native ability and training he excelled them.

Course of
Charles
Turner, of
Scituate. ✓

To the foregoing list of Antifederalist leaders might be added the name of Charles Turner, of Scituate, Plymouth County, who during the first few days of the Convention was unquestionably the ablest and most dignified, as well as one of the most sincere, opponents of the new government. He had seen much and honorable service in the civil affairs of his State, serving in the Senate in 1773-74, and again continuously from 1780 to the sitting of the Convention. Soon after the opening of the session of that body, however, he was seized with a sickness which confined him to his bed for three weeks, removing him from the scene of action during the most important part of the debates. His rôle as leader of the Antifederalists, consequently, was much less important than it would otherwise have been. Furthermore, his influence was ultimately exerted and his vote cast in favor of the Constitution.³

¹ Massachusetts Historical Society, *Proceedings*, 1858, p. 301.

² Poore, *Political Register and Congressional Directory*; Lanman, *Biographical Annals*.

³ See his letter of January 21, 1788, in Papers of the Convention of 1788; Senate Journals, 1780-89, *passim*; Deane, *History of Scituate*, p. 106.

Had a vote been taken on the adoption of the Constitution as soon as the Convention assembled, there can be no question but that it would have been overwhelmingly against the proposed plan.¹ In the public prints much injury had been done to the Federalist cause by the intemperance of its advocates. In the Convention the Federalist leaders were wise enough to adopt a more conciliatory policy. They "avoided every question, which would have shown the division of the House."² It was voted that the Convention "will enter into a free conversation on the several parts [of the Constitution], by paragraphs, until every member shall have had opportunity to express his sentiments on the same; after which the Convention will consider and debate at large the question . . . , before any vote is taken expressive of the sense of the Convention upon the whole or any part thereof."³ Throughout the session, the opponents of the Constitution seem in the main to have been treated with delicacy and consideration. Their objections were respectfully listened to; their arguments patiently answered over and over again. All antagonisms, of course, were not thereby removed; all suspicions were not thereby allayed. Conciliation could not reach all, nor could argument efface all objections. Nevertheless, this conciliatory policy undoubtedly made possible the ultimate triumph of the Federalist cause. It led some, at least, to give a candid hearing to the advocates of the Constitution;

Strength of
forces.

Caution of
Federalists,

and its good
results.

¹ Jan. 22, 1788, Nasson wrote Thatcher that he "guessed" there would be about 192 votes against 144 for ratification (*Thatcher Papers*, No. 18). After the contest was over, Knox wrote to Washington, Feb. 10, 1788: "It is now no secret that, on the opening of the Convention, a majority were prejudiced against it." (*Debates*, p. 410; Drake, *Life of Knox*, p. 151.)

² King to Madison, Jan. 27, 1788, *Life of King*, I. 317.

³ *Debates*, p. 100.



and that hearing once obtained, the superior eloquence of the Federalists and the superiority of their cause, coupled with the famous "conciliatory proposition" introduced by Governor Hancock, ultimately secured enough converts to change the balance of opinion and produce a majority in favor of ratification.

Nature of
objections
raised.

In the main, the objections urged in the Convention were the same that had filled the papers for the past four months, neither better nor worse. Some were directed toward defects in the plan submitted by the Convention, which are now generally admitted to have been real and remediable, and which received attention at the hands of the first Congress under the Constitution. Others were directed toward provisions which in the light of history seem equally to have been defects, but which were the results of real compromises in the Federal Convention, and hence under existing conditions were irremediable. Other objections seem to us now merely trivial, or founded in ignorance, social jealousy, and narrowness of mind. We should remember, however, that the past one hundred years have been pregnant with changes that have contributed enormously to widen the horizon of men's minds, and have operated to separate us much more widely from the men of 1788 than they were from the men of 1688.

Explanation
of emphasis
on Bill of
Rights.

This explains, in part, the emphasis that was put on the lack of a Bill of Rights, to secure the persons and property of citizens from the excesses of arbitrary power. In times which then seemed fairly recent, two Revolutions costing much blood and treasure had been needed to procure those by no means empty rights; and the men of 1788 could not foresee the great industrial and political changes which in the next hundred years were to remove all such dangers among Anglo-Saxons. The natural attitude of a patriotic citizen of that time was indicated by a delegate in this Convention: "Re-

linquishing an hair's breadth in a Constitution," he explained, "is a great deal; for by small degrees has liberty in all nations been wrested from the hands of the people."¹

It will not be necessary to consider at length the objections put forward by the opposition. At the very beginning of the discussions, several days were spent on the subject of the biennial election of representatives. "O my country!" exclaimed General Thompson, "never give up your annual elections; young men, never give up your jewel!"² Another member thought that nature pointed out the propriety of annual elections by its annual renewal.³ In the end, the advisability of biennial elections for representatives was conceded by the majority. Then all the arguments against the power given Congress to alter State regulations for the election of representatives to that body were rehearsed. Captain Phanuel Bishop, of Rehoboth, asserted that "the moment we give Congress this power, the liberties of the yeomanry of this country are at an end."⁴ Another exclaimed that he would not trust "a flock of Moseses;" that by this provision Congress could restrict the franchise to those having fifty or one hundred pounds sterling per annum.⁵ Still another argued that it was "a genuine power for Congress to perpetuate themselves; a power that cannot be unexceptionably exercised in any case whatever."⁶ On this point the opposition could not be moved.

Biennial
elections.

Power to regu-
late elections.

Other objections were urged to the provisions concerning representation. Thompson wished to see a

Representa-
tion.

¹ Charles Turner, of Scituate; see *Debates*, p. 129.

² *Ibid.*, p. 113.

³ Charles Turner; see *Ibid.*, p. 109.

⁴ *Ibid.*, p. 121.

⁵ Abraham White, of Norton; see *Ibid.*, p. 126.

⁶ Charles Turner; see *Ibid.*, p. 128.

Religious test
desired.

property qualification, and a disqualification for age.¹ Dr. Taylor wanted to know why they should "leave the good old path" of paying the representatives out of the several State treasuries.² Charles Turner, of Scituate, thought a rotation in the lower House necessary, "to guard against the deep arts of popular men."³ Much objection was made to the length of term for senators. William Jones, of Bristol, Maine, thought that they ought to be chosen annually; if they behave well, he said, they might then be rechosen; otherwise they ought not: as it was provided in the Constitution, senators would take their families with them to the seat of government, and forget their own States.⁴ Several members, not clergymen, by the way, but old farmers from the outlying counties, waxed eloquent over the lack of a religious test for office: as one put it, he "shuddered at the idea, that Roman Catholics, Papists and Pagans might be introduced into office; and that Popery and the Inquisition may be established in America."⁵

¹ *Debates*, pp. 133, 134. Parsons, in his minutes, however, represents Thompson as opposing a property qualification in this connection, and ascribes this objection to another delegate. (*Ibid.*, p. 298.)

² *Ibid.*, p. 152.

³ Parsons's minutes, *Ibid.*, p. 295.

⁴ *Ibid.*, p. 307.

⁵ Major Thomas Lusk, of West Stockbridge; see *Ibid.*, p. 251. It is of interest to note in this connection, as another instance of lingering Puritanism, that William Jones, the delegate above cited, objected to the proceedings of the Convention, on the ground that they had not first "asked advice of God" about the Constitution by means of a public fast before the Convention met. To remedy this omission, he moved, January 19, that a fast be held; the motion, however, was not seconded (Parsons's minutes, *Ibid.*, p. 307). The sessions each morning were opened by prayer from the clergy of Boston, the various denominations serving by turns.

To the sections relating to slavery and the slave-trade many exceptions were taken. The comparison made was not with the existing status under the Articles of Confederation, but with the ideal desired. "If the southern States would not give up the right of slavery," exclaimed the irrepressible Thompson, "then we should not join with them;" adding, "Washington's character fell fifty per cent. by keeping slaves."¹ James Neal, a Maine Quaker,² informed the Convention that, unless the clause forbidding interference with the slave-trade for twenty years was removed, he must vote against ratification, "how much soever he liked the other parts of the Constitution;"³ and vote against it he did. To the three-fifths representation of slaves it was justly objected that, "in legislation, one southern man with sixty slaves, will have as much influence as thirty-seven freemen in the eastern States."⁴ In its relation to taxation, the new rule of apportionment was generally felt to be unjust to New England, but Dr. Holten, from his experience in Congress, admitted its necessity, as it was "all the rule we can get."⁵

Slavery
and the
slave-trade.

To the powers vested in Congress, and to the jurisdiction and procedure of the proposed Federal Courts, there was also much objection made. Concerning the former, one member thought that, with the checks of annual elections, rotation, and recall removed, "our Federal rulers will be masters, and not servants;" and that "bribery may be introduced here, as well as in Great Britain; and Congress may equally oppress the people."⁶ Most of the debate centred around the

Powers of
Congress,

¹ Parsons's minutes, *Debates*, p. 320.

² *Thatcher Papers*, No. 9.

³ *Debates*, p. 222.

⁴ Widgery; see Parsons's minutes, *Ibid.*, p. 303.

⁵ Parsons's minutes, *Ibid.*, p. 302.

⁶ Major Martin Kinsley, of Hardwick; see *Ibid.*, pp. 161-2.

concerning
taxation.

The judiciary.

clause concerning taxation.¹ To the grant of power to lay duties, imposts, and excises, no objection was made; but the inclusion of the word "taxes," *i. e.*, "dry" or direct taxes, raised a storm of protest. Instead of being an extraordinary source of revenue to be used only in case of war or other severe drain on the resources of the government, it was thought that this would be the ordinary mode of taxation. Recollecting the successful effort which the mercantile class in Massachusetts had made since the war to resist the imposition of duties on trade, the landed interest in the Convention maintained that most, if not all, of the Federal revenue would come from land and poll taxes. "They won't be able to raise money enough by impost," exclaimed an old Worcester County farmer, who had seen much service in the General Court, "and then they will lay it on the land, and take all we have got."² To the provisions concerning the judiciary it was objected that tribunals "little less inauspicious than . . . the *Inquisition*" might be set up; and that Congress was not "restrained from inventing the most cruel and unheard of punishments, and annexing them

¹ It is of interest to note, among the arguments used by Federalists for the clause as it stood, the plea that it would enable Congress to encourage domestic manufactures by means of a prohibitory tariff. "The very face of our country," exclaimed Thomas Dawes of Boston, "leads to manufactures. Our numerous falls of water, and places for mills, where paper, snuff, gunpowder, iron works, and numerous other articles, are prepared — these will save us immense sums of money, that otherwise would go to Europe. The question is, have these been encouraged? Has Congress been able, by national laws, to prevent the importation of such foreign commodities as are made from such raw materials as we ourselves raise. . . . If we wish to encourage our own manufactures — to preserve our own commerce — to raise the value of our own lands — we must give Congress the powers in question." (*Debates*, pp. 158-9.)

² Amos Singletary; see *Ibid.*, p. 203.

to crimes, and there is no constitutional check on them, but that racks and gibbets may be amongst the most mild instruments of their discipline.”¹

We have now reached a point in our investigation where we may hazard an analysis of the elements entering into the opposition to the Constitution. The data from which our conclusions are to be drawn consist, in the first place, of the articles, letters, and speeches in which those who were opposed to the Constitution gave the reasons for their course, together with the arguments by which they endeavored to win adherents to their cause. It has been one of the purposes of this paper to put before the reader enough of this literature to enable him independently to form an estimate of the causes that gave rise to such widespread and obstinate opposition. Valuable aid in addition may be obtained from other sources, especially from the estimates of various contemporary writers as to the influences at work in the contest. Of those whose opinions on this subject have been transmitted to us, we need mention only King, Gorham,² Knox, and, most noteworthy of all, Nathaniel Barrell, an Antifederalist delegate from Maine, whose conversion was accomplished in the Convention. Finally, from many local histories, and from the gossip contained in intimate personal letters of the time, bits may be gathered which often are of great help in throwing light upon special phases of the question.

Analysis of
opposition.

At the outset, we may eliminate from our analysis

¹ Abraham Holmes, of Rochester; see *Debates*, pp. 212-3.

² That the letter of Jan. 27, 1788, quoted by Madison to Washington (*Madison Papers*, II. 668-9) is from the pen of Gorham, may be inferred from the statement of Bancroft. (*History of the Constitution*, II. 258, note 2.)

Well-founded
objections.

Distrust of
delegated
power.

the opposition that arose from legitimate objections to the Constitution in the form in which it was sent forth by the Federal Convention. It is enough here to indicate the fact that such objections existed and were entertained even by the staunchest of Federalists. Taken apart from other considerations, however, they would seem to have been scarcely sufficient of themselves to induce opposition to ratification on the part of any sensible man. As for the rest, it seems, from a careful consideration of the above material, that the prime element in the opposition was the distrust with which men brought up in the democratic atmosphere of the New England town-meeting viewed all delegated power; and their inordinate desire to maintain a constant and efficient check upon all persons to whom it was found necessary to intrust a portion of their authority. For example, a not unfriendly writer, in speaking of the delegates sent to the Convention from Worcester County, said: "The most of them entertain such a dread of arbitrary power, that they are afraid even of limited authority. Why is it," he continues, "that modern politicians commonly commence with such sentiments—I think it a fact, perhaps, because I used to feel them, till late years have convinced me that the only way to avoid arbitrary power is to delegate proper authority to prevent it—but of upwards of 50 members for this county not more than 7 or 8 delegates are of my present sentiments, & yet some of them are good men — Not all insurgents I assure you."¹ It was probably such persons as these that Knox had in mind when he spoke of the opposition as animated by "a deadly principle levelled at the existence of all government whatever."²

¹ E. Bangs to Thatcher, Worcester, Jan. 1, 1788, *Thatcher Papers*, No. 8.

² *Debates*, pp. 409-10; Drake, *Life of Knox*, p. 150. The

A second element in the opposition seems to have been the conflict of interest, partly real and partly fancied, between the agricultural and the commercial sections of the State. Evidences of this antagonism, and of its influence, are to be seen most pronouncedly in the letter of "Cornelius," before cited;¹ additional traces of it may be seen in the attempt in the legislature to change the place of meeting of the Convention from Boston to some other town; and again in various passages cited from the debates of that body itself.

Agricultural
and commercial
sections.

Underlying and reinforcing these two elements was another, in which, it may be said, lay the whole secret of the opposition. This was the pronounced antagonism between the aristocratic and the democratic elements of society in Massachusetts, which has been discussed in the Introduction to this paper. Massachusetts was not alone in this experience; in most, if not all, of the States a similar contest had arisen since the war. The men who at Philadelphia had put their names to the new Constitution were, it seems quite safe to affirm, at that time identified with the aristocratic interest. Thus color was given to the charge of a Pennsylvania writer, that "the present conspiracy"

Aristocracy
and democracy,



charge that some of the delegates were animated by a desire for anarchy was common, but it was probably without real foundation. For example, Nathaniel Barrell, who had himself been opposed to the Constitution in the Convention, though he voted yea, says, after enumerating various classes among the opposition: "Aside from all these are not a few of those Insurgents, who have neither property nor principle, consequently want no Government but that Anarchy which may in its confusion give them a chance of sharing all property amongst them,—this lesson I have learnt by being in the minority, when I was oblig'd to mix wth a set of the most unprincipled of men." (To Thatcher, Feb. 20, 1788, *Thatcher Papers*, No. 35.)

¹ See above, pp. 33-35.

[i. e., the attempt to secure the adoption of the new Constitution] was "a continental exertion of the *well-born* of America to obtain that darling domination, which they have not been able to accomplish in their respective States."¹

as seen in the
Convention.

There can be no question that this feeling underlay most of the opposition in the Massachusetts Convention. Quotations in proof of this might be multiplied indefinitely, but a few will suffice. Of the support which the Constitution received, Benjamin Randall, delegate from Sharon, Suffolk County, said: "An old saying, Sir, is, that *a good thing don't need praising*; but, Sir, it takes the best men in the State to gloss this Constitution, which they say is the best that human wisdom can invent. In praise of it, we hear the reverend clergy,² the judges of the supreme court, and the ablest lawyers, exerting their utmost abilities. Now, Sir, suppose all this artillery turned the other way, and these great men would speak half as much against it, we might complete our business, and go home in forty-eight hours. . . . Every one comes here to discharge his duty to his constituents, and I hope none will be biased by the best orators; because we are not acting for ourselves."³ Praise from the "well-

¹ "Centinel"; see McMaster and Stone, *Pennsylvania and the Federal Constitution*, p. 627.

² Out of 17 clergymen in the Convention, 14 voted for ratification. Seven of these were from Suffolk County. On the other hand, it is curious to note that out of 10 doctors in the Convention, all but two voted in the negative. The importance of the general support given the Constitution by the clergy was recognized by the Federalists at the time. "It is very fortunate for us," wrote Lincoln to Washington, Feb. 9, 1788, "that the clergy are pretty generally with us. They have in this State a very great influence over the people, and they will contribute much to the general peace and happiness." (*Debates*, p. 409.)

³ *Ibid.*, p. 138.

born" evidently excited suspicion rather than allayed it. The reason for this is made apparent in a speech by Amos Singletary,¹ the old Worcester County countryman before referred to. "These lawyers, and men of learning, and moneyed men," said he, "that talk so finely, and gloss over matters so smoothly, to make us, poor illiterate people, swallow down the pill, expect to get into Congress themselves; they expect to be the managers of this Constitution, and get all the power and all the money into their own hands, and then they will swallow up all us little folks, like the great leviathan, Mr. President; yes, just as the whale swallowed up Jonah. This is what I am afraid of."²

Upper classes
suspected.

¹ He was the first white male child born in his town (Sutton); the date of his birth is 1721. It is said that he "never attended school a day in his life," but that by home teaching and patient application he became a "well informed man." He represented his town in the Provincial Congress during the Revolution, and then for four years in the House of Representatives. He also served several terms in the State Senate. See Benedict and Tracy, *History of Sutton*, pp. 27, 727.

² *Debates*, p. 203. In reply to this, a noteworthy speech was made by one Jonathan Smith, of Lanesborough. To show his "brother plough-joggers" "what were the effects of anarchy, that [they might] see the reasons why [he wished] for good government," he first, after some protest on the part of a few members, sketched in graphic manner the state of affairs in the western counties during the preceding year, while Shays's rebellion was at its height. "Now, Mr. President," he then continued, "when I saw this Constitution, I found that it was a cure for these disorders. It was just such a thing as we wanted. I got a copy of it and read it over and over. I had been a member of the Convention to form our own State Constitution, and had learnt something of the checks and balances of power, and I found them all here. I did not go to any lawyer, to ask his opinion; we have no lawyer in our town, and we do well enough without. I formed my own opinion, and was pleased with this Constitution. My honorable old daddy there . . . won't think that I expect to be a Congressman, and swallow up the liberties of the people. I never

Testimony of
Rufus King.

That it was the fear of the aristocracy which gave rise to most of the opposition was clearly recognized at the time by the advocates of the Constitution. Five days before the above avowal was made, Rufus King had written to Madison: "An apprehension that the liberties of the people are in danger, and a distrust of men of property or education have a more powerful effect upon the minds of our opponents than any specific objections against the Constitution. If the opposition was grounded on any precise points, I am persuaded that it might be weakened, if not indirectly overcome. But every attempt to remove their fixed and violent jealousy, seems, hitherto, to operate as a confirmation of that baneful passion."¹ A week later he wrote again, confirming his former diagnosis. The opposition arose, he said, chiefly "from an opinion that is immovable, that some injury is plotted against them — that the system is the production of the rich and ambitious, that they discover its operations and that the consequence will be the establishment of two

had any post, nor do I want one, and before I am done you will think that I don't deserve one. But I don't think the worse of the Constitution because lawyers, and men of learning, and moneyed men, are fond of it. . . . I think those gentlemen who are so very suspicious that as soon as a man gets into power he turns rogue, had better look at home. . . . let us suppose a case now: Suppose you had a farm of fifty acres, and your title was disputed, and there was a farm of five thousand acres joined to you, that belonged to a man of learning, and his title was involved in the same difficulty; would not you be glad to have him for your friend, rather than to stand alone in the dispute? Well, the case is the same; these lawyers, these moneyed men, these men of learning, are all embarked in the same cause with us, and we must all swim or sink together," etc. (*Debates*, pp. 203-5.) In Elliot's *Debates*, and in the edition of the *Debates of the Convention* published in 1808, Smith is erroneously recorded as voting against the ratification of the Constitution.

¹ *Life of King*, I. 314.

orders in the Society, one comprehending the opulent and great, the other the poor and illiterate. The extraordinary Union in favor of the Constitution in this State of the Wealthy and sensible part of it," he continued, "is in confirmation of these opinions and every exertion hitherto made to eradicate it, has been in vain."¹

Under the three foregoing heads are indicated what seem to have been the chief elements in the opposition to ratification. Aside from these, however, various special causes were assigned at the time by Federalists to account for the antipathy to the new Constitution, some of which undoubtedly did exert considerable influence, and should be noticed here. The most important of these subsidiary causes was probably the desire for paper money and tender laws, both of which were flatly prohibited by the new system. It was on this point, it will be remembered, that William Symmes had predicted that "the principal weight of opposition [would] hang."² With this, may be taken the desire for a partial repudiation of the State debt, scaling it down to five or six shillings in the pound, a consideration which, we are told, was the animating cause with some.³ It was this desire, doubtless, together with the three preceding reasons, that caused "all the late insurgents and their abettors" to take a stand against the Constitution.

Paper money,
tender laws,
and
repudiation.

Another element of considerable weight was the desire to make Maine a separate State, and the fear that the adoption of the Constitution would render this step more difficult.⁴ The movement for a separation, which

Separation
of Maine. /

¹ *Life of King*, I. 317.

² See above, page 43.

³ *Thatcher Papers*, No. 30.

⁴ Gore, writing to King, Jan. 6, 1788, says: "It is said the Eastern delegates will generally be opposed, because they think,

had begun in 1785, was then at its height. Just before the Constitution had been submitted to the States, a convention in Maine, the last of a series, had issued a call to the people of that district to express their sentiments on the subject of a separation. A large and active minority, if not a majority, of the population in that region, supported the movement.¹ In Massachusetts proper, it was also not without its supporters: many persons in Worcester County, we are told, advocated separation, in the belief that Worcester's prospects of becoming the State capital would thus be increased.² Although the matter was but once alluded to in the debates, this question of the separa-

that it will postpone their separation — would it not be well for you & Thacher [*sic*] to write them on this subject?" (*Life of King*, I. 312.)

Nathaniel Gorham (?), writing to Madison, gives as another reason for the opposition of the Maine delegates that "many of them and their constituents are only squatters on other people's land, and they are afraid of being brought to account." See Madison to Washington, Feb. 3, 1788, *Madison Papers*, II. 669. Possibly there was some truth in this assertion. On Oct. 21, 1786, an order had passed the General Court, reciting that "it is represented to this Court, that divers persons . . . have illegally entered upon, and taken possession of some of the unappropriated lands belonging to this commonwealth in the eastern counties, and that others are settling in like manner thereon, presuming upon the indulgence of government, that they shall be quieted in their possessions;" in view of which fact, the Governor was called upon to issue a proclamation warning off such persons. (*Resolves respecting Eastern Lands*, p. 59.) It may well have been that these persons feared that the adoption of the Federal Constitution would unfavorably affect their pretensions; but our only evidence of such an influence is the letter to Madison cited above.

¹ In 1792, when the question of separation was officially submitted to the people of that district, the votes were: for separation, 2074; against it, 2525. See Willis, *History of Portland*, pp. 709, 712.

² *Thatcher Papers*, No. 30.

tion of Maine undoubtedly exerted some influence in the Convention; for, according to a writer who lived in that section "the Persons that have been Sticklers for this Separation Voted in opposition."¹

Finally, to the list of those who were induced by the foregoing influences to oppose the Constitution, should be added demagogues, — whose number, however, was small, — who sought to gain or to retain power, and who took this means "as the surest channel to obtain their ends;" and the "honest ignorant minds," as one who had himself belonged to the opposition calls them, the dupes of those "who persuade them that their libertys are in danger, and they will be made Slaves of."²

Demagogism
and ignorance.

¹ David Sewall to Thatcher, March 4, 1788, *Thatcher Papers*, No. 41. This is said to have been the reason of William Widgery's opposition (Gore to King, Jan. 6, 1788, *Life of King*, I. 312). Out of six delegates to the Maine Convention of September, 1786, who were in the Massachusetts Convention of 1788, two (William Thompson of Scarborough and Dummer Sewall of Bath) voted for ratification. For this subject, see Williamson, *History of Maine*, II. 521-33.

² Barrell to Thatcher, Feb. 20, 1788, *Thatcher Papers*, No. 35. Various Federalist writers of the time assert that the opposition arose largely from men who had been Tories in the late war, and thought thereby either to hasten reunion with Great Britain, or to vent their spite on their fellow-countrymen. Although these assertions may at times have been made in good faith, there seems to have been no ground for them. On the other hand, it is certain that many men who were regarded as Tories during the war were now enthusiastically in favor of the new Constitution.

CHAPTER V.

RATIFICATION.

Gloomy outlook for the Constitution.

At the time when the Convention assembled, the outlook for the Constitution had been gloomy. The episode by which Gerry was induced to absent himself from its sessions after he had been formally invited to attend, did not tend to improve matters. The leaders of the opposition thenceforth, Belknap said, "*will* not be convinced, they *will* not be silenced."¹ Aside from these, however, he wrote that there were "a number of honest, silent men, who wish for information."²

✓
Movement for adjournment.

To reach the latter, the Federalist leaders bent all their energies; patiently answering every objection raised in the Convention, while outside of it they exerted themselves, in private conversation and by all legitimate means within their power, to influence delegates individually. Progress, however, was slow. A section of the opposition, led by old General Thompson, clamored for an adjournment, "to see what our sister States will do." What should they suffer, they inquired, if they adjourned the consideration for five or six months?³ The proposition, however, met with but little favor.

The leaders of the opposition then tried to hurry on the business of the Convention. When the delegates

¹ To Hazard, Jan. 25, 1788, Massachusetts Historical Society, *Collections*, Fifth Series, III. 9.

² To Hazard, Jan. 20, 1788, *Ibid.*, pp. 6, 7.

³ *Debates*, pp. 161, 180.

met for the afternoon session of January 23, though the Convention was then occupied with the section defining the powers of Congress, Nasson at once moved to reconsider the former vote to discuss the Constitution by paragraphs, and to proceed to the general discussion of the subject, preliminary to a vote upon the final question of ratification. Widgery supported the motion, on the ground that the necessities of the members from remote districts compelled them to hurry the matter. The Federalists warmly opposed it; and were successful, first in defeating a proposition to defer the motion to reconsider until ten o'clock the next day, and then in defeating a motion to adjourn until that time. The motion to reconsider was then withdrawn, by leave of the Convention. The next morning it was renewed. Immediately Samuel Adams, who hitherto had spoken hardly once in the Convention, arose to oppose it. They ought not, he said, to be "stingy of [their] time, or the public money, when so important an object demanded them. . . . He was sorry . . . for gentlemen's necessities; but he had rather support the gentlemen who were thus necessitated, or lend them money to do it, than that they should hurry so great a subject." The matter was then debated for some time. Finally, on a general call for the question, the motion was put, and was voted down "without a return of the house." A buzz of congratulation thereupon went the round of the gallery, which the excited imagination of the Antifederalist leaders converted into a hiss; and some little time was required to pacify them.¹

Attempt
to hurry
decision;

opposed
by Samuel
Adams, and
defeated.

By this time, the Federalists had definitely come to despair of securing a simple and unqualified ratification. They began, accordingly, to cast about for expedients by which their main end might be secured with as little sacrifice of their cause as possible. The

Recommendation of amendments projected.

¹ *Debates*, pp. 72-5, 195-7.

one which they hit upon was that of introducing such amendments as they were willing to concede, which, while not to be made a condition of ratification, as desired by their opponents, should accompany the acceptance of the new system as a recommendation to the future Congress. This device, it was rightly hoped, would effect conversions among the "honest doubters," while it would neither countenance the serious alteration of the system, nor absolutely commit the new government even to such amendments as the Convention should suggest.

Origin of the
scheme.

The first mention of such a scheme with which the author is acquainted, is to be found in the letter of "a Republican Federalist" in the *Massachusetts Centinel* of January 12, 1788. In this, the members of the Convention are warned that they "will in all probability be warmly urged to accept the system, and at the same time to propose amendments." Seven days later, John Avery, Jr., the Secretary of the Commonwealth, makes mention of such a project. "I am seriously of Opinion," he wrote to George Thatcher, on January 19, "that if the most sanguine among them [*sic*] who are for adopting the proposed Constitution as it now stands would discover a conciliatory disposition and give way a little to those who are for Adopting it with Amendments I dare say they would be very united. . . . my wishes are that they may adopt it and propose Amendments which when agreed upon, to transmit [*sic*] to the several States for their Concurrence."¹ The exact authorship, however, of this scheme—a scheme so simple, and yet so important in its results—will probably always be in doubt.²

¹ *Thatcher Papers*, No. 16.

² Four days after the above date, and on the same day that Nason's proposition was made in the Convention, King mentions that such a scheme was in contemplation (*Life of King*, I. 316). Eight days later the proposition was made.

To give the proposal its full effect, it was necessary that it should seem to emanate from some one who, if not an opponent of the Constitution, had at least taken no steps toward securing its adoption; from some one, too, in whom the popular party had full confidence. Such a person the Federalists found in Governor Hancock, the titular president of the Convention. In no one had the mass of the people, whether rightly or wrongly, more confidence. His attitude toward the Constitution was yet in doubt: the ambiguous language in which he had referred the matter to the legislature has already been noticed.¹ Up to January 30 his gout, a convenient disease which, as John Adams had remarked some years before, always seized upon him when there was anything unpleasant or unpopular to do, had prevented him from taking his seat in the Convention. Ten days before, King had ironically written: "Hancock is still confined, or rather he has not yet taken his Seat; as soon as the majority is exhibited on either Side I think his Health will suffice him to be abroad."² Now inducements were offered him to declare himself in favor of ratification, and to introduce the amendments which the Federalist leaders had agreed upon. The price to be paid him for this service was the support of Bowdoin's friends

Hancock's
relation to it

His ambigu-
ous course.

Price paid for
his support.

¹ See above, page 45. Bancroft, in his *History of the Constitution* (II. 258, note 2), asserts that there is "no ground whatever" for saying that Hancock was at any time opposed to the Constitution. Strictly, this is probably true; but at the same time it is equally true that, up to the moment of the agreement here referred to, he had not in any way declared for the Constitution. The assertion of James Sullivan(?), in the *Biographical Sketch of Governor Hancock* (1793), that "*before the Convention was assembled, he prepared his proposals for amendments, and resolved to give the Constitution his decided support,*" seems to be a deliberate attempt to falsify the facts.

² *Thatcher Papers*, No. 17.

in the next gubernatorial election; at the same time the alluring prospect of the vice-presidency, if not of the presidency, of the proposed government was held out to him, though probably no specific promises were made on this head.¹

Evidence of a bargain.

That some such bargain was made, and that these were in substance its terms, there is not now the slightest reason to doubt. On January 30, King wrote to Madison: "If Mr. Hancock does not disappoint our present expectations, our wishes will be gratified; but his character is not entirely free from a portion of caprice."² Two days later he wrote more frankly to Knox, but still in guarded language, which implied more in its significant underscorings than was expressed in the words themselves. Hancock, he wrote, had committed himself in favor of the Federalists. The final question was to be put in the Convention in a few days. "You will be astonished, when you see the list of names," he concludes, "that such an union of men has taken place on this question. Hancock will hereafter receive the universal support of Bowdoin's friends;³ and *we told him, that, if Virginia does not unite, which is problematical, he is considered as the only fair candidate for President.*"⁴

King's testimony.

Additional evidence exists to the same effect, which, though not so unexceptionable, is more explicit. In

¹ It is only fair to state, however, that it was reported at Boston, before the Convention assembled, that Hancock was already talked of for the vice-presidency by southern politicians. See *Massachusetts Centinel*, Jan. 9, 1788.

² *Life of King*, I. 317-8.

³ That this is something more than a mere individual prediction is shown by the remarkable unanimity which prevailed at Boston in the election of 1788. Out of 1437 votes cast for governor, Hancock got all but 10, five votes only going to Bowdoin. See *Independent Chronicle*, April 10, 1788.

⁴ *Life of King*, I. 319. The italics are in the printed copy.

an Antifederalist squib published in the *Chronicle* of March 20, it is insinuated that "the man of the people" was gained by "holding out to him the office of vice-president." In No. VII of Stephen Higginson's *Letters of Laco*, the object of which was to defeat Hancock's re-election in 1789, what purports to be the whole story of the bargain is given. Early in the session, it is stated, Hancock "intimated to the advocates for the adoption, that he would appear in its favour, if they would make it worth his while. This intimation was given through a common friend who assured the friends of the Constitution, that nothing more would be required . . . than a promise to support him [Hancock] in the chair at the next election. This promise, though a bitter pill, was agreed to be given." That the account given by "Laco" is substantially correct, is rendered probable¹ by a letter from Gore to King of March 27, 1789. "I am perfectly in opinion with you," writes the former, referring to the above-mentioned letters, "that the disclosure of anything relative to Mr. H.'s conduct during the convention is unjust, ungenerous, & highly impolitick;" no exception, however, is taken to the disclosure on the ground that the charges made were not true.²

"Laco's"
account.

Substantiated
by Gore.

On January 31, the day after Hancock had taken his seat in the Convention, the matter was brought to a head. First, General Heath made a speech designed

"Conciliatory
proposition."

¹ Letter No. VII was omitted from the *Centinel* at the time, but was published in the pamphlet edition of the letters which was issued almost immediately. The whole tenor of Gore's letter implies that he knew the contents of the suppressed letter, though he could only guess as to the author.

² *Life of King*, I. 360. The misprint, in this letter, of "Saco" for "Laco" is merely another of the many proofs afforded by this volume that descent from a statesman is not alone sufficient qualification for the task of editing his writings.

Its provisions.

to pave the way for the proposition. Then Hancock arose and read the amendments that had been handed to him by the Federalist leaders, Parsons, King, and Sedgwick, prefacing the reading thereof with a little speech, in which, while he did not expressly claim their authorship, he produced the impression that they were his own work.¹ As slightly amended by a committee to which they were referred,² these provided: (1) that powers not expressly delegated were reserved; (2) that the full representation allowed by the Constitution should be permitted until the total number of representatives reached two hundred; (3) that Congress should exercise the power to regulate elections only when a State neglected or refused to make adequate provision therefor, or made regulations subversive of the rights of the people to a free and equal representation; (4) that direct taxes should be laid only when the revenue from imposts and excises was insufficient; (5) that no company with exclusive advantages of commerce should be erected; (6) that indictment by a grand jury must precede trial for crime, except in the land and naval forces; (7) that in suits between citizens of different States the jurisdiction of the Federal Courts should be limited to cases of a certain value; (8) that in all civil actions between citizens of different

¹ The original copy of the amendments was found among Hancock's papers, after his death, in the handwriting of Theophilus Parsons. (*Memoir of Parsons*, pp. 70, 85.)

² This committee consisted of two members from each of the larger counties, and one from each of two smaller ones. It was agreed that the delegates from each county should nominate their representatives, one from each of the two parties. From the small county of Dukes, however, only Federalist delegates had been elected to the Convention; consequently, the Federalists secured a majority on the committee, and the alterations made in the amendments proposed were in the main merely verbal. See Lincoln to Washington, Feb. 3, 1788, *Debates*, p. 404.

States issues of fact should be tried by a jury, at the request of either party; and (9) that the prohibition against the acceptance of titles and offices from foreign princes by United States officials be made absolute.¹

The foregoing "conciliatory proposition" was the beginning of the end. Samuel Adams, whose course in the Convention had hitherto been rather that of a neutral, now advocated at some length the adoption of the Constitution with the recommendatory amendments proposed by the Governor.² The Federalist leaders accepted the proposition, not, as they said, because they were convinced of the necessity of the amendments, but because such alterations would tend to remove doubts and objections from the minds of many persons. The leading Antifederalists, on the other hand, looked upon the proposition as a snare. They liked the amendments, but saw no probability that they would be made a part of the Constitution.³ Some even affected to question the power of the Convention in the matter: they must, said Dr. Taylor, either take or reject the whole of the Constitution; in proposing amendments, he thought that they were "treading on unsafe ground."⁴

With the rank and file of the opposition, however, the "conciliatory proposition" had from the beginning considerable influence. With some it was enough to

Its reception.

Its influence with the rank and file.

¹ Both the original and amended propositions are in the Journal of the Convention (*Debates*, pp. 80, 84, respectively).

² *Ibid.*, pp. 225-7. As Bancroft points out (*History of the Constitution*, II. 270, note), Adams's use of the term "conditional amendments" is of no significance here; it does not imply, as asserted by Curtis (*Constitutional History*, I. 654), an intentional, or even unintentional, misunderstanding of the force of the proposed amendments.

³ So Pierce, Widgery, Lusk, and others (*Debates*, pp. 242, 240, 250, respectively.)

⁴ *Ibid.*, p. 227. So, too, argued Widgery and others.

Turner, of
Scituate,
announces his
conversion.

turn the scale, and convert them from opponents to advocates of the Constitution. The opinions of Charles Turner, of Scituate, Plymouth County, have several times already been cited in this paper, and always in opposition to the proposed Constitution. Just before the final vote was taken, he arose, and in a speech of much ability announced his conversion. "The proposed amendments," said he, "are of such a liberal, such a generous, such a catholic nature and complexion, they are so congenial to the soul of every man who is possessed of a patriotic regard to the preservation of the just rights and immunities of his country, as well as to the institution of a good and necessary government, that I think they must, they will be universally accepted. When, in connection with this confidence, I consider the deplorable state of our navigation and commerce, and various branches of business thereon dependent, the inglorious and provoking figure we make in the eyes of our European creditors, the degree in which the landed interest is burdened and depreciated, the tendency of depreciating paper and tender acts to destroy mutual confidence, faith and credit, to prevent the circulation of specie, and to overspread the land with an inundation, a chaos of multiform injustice, oppression and knavery; when I consider that want of efficiency there is in our government, as to obliging people seasonably to pay their dues to the public, instead of spending their money in support of luxury and extravagance, of consequence the inability of government to satisfy the just demands of its creditors, and to do it in season, so as to prevent their suffering amazingly by depreciation; in connection with my anxious desires that my ears may be no longer perstringed, nor my heart pained with the cries of the injured, suffering widow and orphan; when I also consider that state of our finances which daily ex-

poses us to become a prey to the despotic humor even of an impotent invader, I find my myself [*sic*] constrained to say, before this Assembly, and before God, that I think it my duty to give my vote in favor of this Constitution, with the proposed amendments."¹

Scarcely had the Antifederalists recovered from the shock occasioned by the foregoing declaration, when another of their following arose to declare his defection. William Symmes, the young lawyer from Andover, has already been mentioned as an opponent of the Constitution, and his views as expressed prior to the meeting of the Convention have been given.² In the Convention he had, on January 22, made a temperate though rather rhetorical speech detailing his own and his constituents' objections. Now, in the course of a speech of considerable length, he said: "Upon the whole, Mr. President, approving the amendments, and firmly believing that they will be adopted, I recall my former opposition, such as it was, to this Constitution, and shall, especially as the amendments are to be a standing instruction to our delegates until they are obtained, give it my unreserved assent. In so doing, I stand acquitted to my own conscience, I hope and trust I shall to my constituents, and (laying his hand on his breast) I know I shall before my God."³

Symmes, of Andover, withdraws his opposition.

One more convert demands notice here, largely because he is the type of a number of delegates whose change of views was declared only by their votes. This was Nathaniel Barrell, of York, Maine. His career is an interesting one.⁴ He was born in Boston in 1732,

Nathaniel Barrell, of York.

¹ *Debates*, pp. 274-5.

² See above, pages 42-4.

³ *Ibid.*, p. 278. The two other delegates of Andover voted in the negative.

⁴ For particulars concerning him the author is indebted to Mr. E.

and educated for a mercantile life; but, for some reason, in 1755 he had entered the army instead, as a recruiting officer, under Governor Shirley. For gallantry displayed during the Quebec expedition, he had, in 1759, been commissioned captain. In 1760 he had been in England, and had been presented to George II., an event which made a deep impression upon his mind, and which undoubtedly influenced his course in the Revolution. Settling in New Hampshire, he had there become a member of Governor Wentworth's Council. Upon the outbreak of the struggle with the mother country, he had quitted that colony and his mercantile life, and had retired to his farm at York, Maine, where he was residing at the time when the Constitution was submitted. He had been "branded" as a Tory in the Revolution, though, as he said, his "soul rejected the charge."¹ At the time of his election to the Convention, he was "a flaming Antifederalite,"² and he is reported to have said that he "would sooner lose his Arm than put his Assent to the new proposed Constitution."³

Attitude
toward the
Constitution.

His objections he had stated at some length in a letter to George Thatcher,⁴ who, though detained at

P. Burnham, of Saco, Maine, and to Mr. Charles Colborn Barrell, of York Corner, Maine, a grandson of the subject of this sketch. Nathaniel Barrell was a descendant of Abraham Barrell, one of the judges who tried Charles I., and who dissented from the sentence of execution.

¹ Barrell to Thatcher, Feb. 20, 1788, *Thatcher Papers*, No. 35.

² Sewall to Thatcher, Feb. 11, 1788, *Ibid.*, No. 30.

³ Savage to Thatcher, Jan. 11, 1788, *Ibid.*, No. 14.

⁴ This letter is worth quoting. "It is much easier," he says, "to tell the objectors to turn their representative out [if he prove a rogue], than to do it — I cant but think you know how difficult it is to turn out a representatives who behaves ill, even tho chosen but for one year — think you not 'twould be more difficult to remove one chosen for two years? . . . after all the Willsonian

New York by his duties in Congress, was exerting himself as a Maine Federalist to effect the conversion of his Antifederalist friends. That he contributed to this end in Barrell's case is stated in a letter which he received from a Federalist townsman of Barrell. "Your Letter," says this correspondent, "and other matters made a Proselite of Mr. B."¹ In the Convention, Barrell, having "no pretensions to talents above the simple language adapted to . . . the plain husbandman," sat a silent listener until a few days after the introduction of Hancock's "conciliatory proposition." Convinced that the amendments contained therein would eventually be made a part of the Constitution,² his conver-

Thatcher's
influence on
Barrell.



oratory — after all the learned arguments I have seen written — after all the labor'd speeches I have heard in the defence — and after the best investigation I have been able to give it — I see it pregnant with the fate of our libertys and if I should not live to feel its baneful effects, I see it entails wretchedness on my posterity — Slavery on my children — for as it now stands congress will be vested with much more extensive power than ever Great Britain exercised over us." After commenting upon the six-year term for senators, he then takes up the matter of the expense of the new government. He does not think that they will be "able to support the additional charge of such a Government and . . . when our State Government is annihilated this will not suit our local concerns so well as what we now have . . . I think," he continues, "'twill not be so much for our advantage to have our taxes imposed & levied at the pleasure of Congress as the method now pursued — and . . . I think a Continental Collector at the head of a Standing army will not be so likely to do us justice in collecting the taxes, as the mode of collecting now practiced — and to crown all Sir, . . . I think such a Government impracticable among men with such high notions of liberty as we americans." (*Thatcher Papers*, No. 15.)

¹ David Sewall, Feb. 11, 1788, *Ibid.*, No. 30.

² He seems later to have felt some doubt on this point. After his return from the Convention, he says, in a letter addressed to Thatcher: "All these worthys [*i. e.*, those Antifederalist leaders to whom he has just referred as "the most unprincipled of men,"]

Barrell
announces
his con-
version.

sion was now completed. In the only speech which he made in the Convention, he enumerated what had been his and his constituents' objections.¹ Some of these, he said, had been removed "by the ingenious reasoning of the speakers;" others would be obviated by the proposed amendments. This Constitution, with all its imperfections, he had come to believe was excellent as compared with the Articles of Confederation; and he was now convinced that it was the best then obtainable. "I could wish," he said, "for an adjournment, that I might have an opportunity to lay it before my constituents with the arguments which have been used in the debates, which have eased my mind, and I trust would have the effect on theirs, so as heartily to join me in ratifying the same. But, Sir, if I cannot be indulged on this desirable object, I am almost tempted to risk their displeasure and adopt it without their consent."²

Motion to
adjourn
renewed.

As has already been stated, propositions to adjourn had several times been made in the Convention. Seeing the many converts made by the proposition for amendments,³ the leaders of the opposition, on

are united in sparing no pains to influence the minds of all, and persuade me to believe what they themselves do not — that the proposed amendments will not take place & should this be as they wish — I dread the consequence perhaps little short of a revolution may take place — as such deceptions will not be easily swallowed — I feel for myself — there is a Something which whispers within that . . . I should be one of the first that would sound the alarm, and call to Arms." (*Thatcher Papers*, No. 35.)

¹ In the main, the objections which he recites are the same which he had enumerated to Thatcher in his letter of Jan. 15, 1788. See above, page 92, note 4.

² *Debates*, pp. 262-5.

³ Belknap's minutes: Massachusetts Historical Society, *Proceedings*, 1858, p. 302. According to Widgery, the proposed amendments "furnished many with Excuses to their Constituents." (*Thatcher Papers*, No. 29.)

February 5, seized upon the occasion presented by the foregoing speech to move again for an adjournment, "for the purpose of informing the good people of this Commonwealth of the principles of the proposed Federal Constitution, and the amendments offered by his Excellency the President, . . . and of uniting their opinions respecting the same." For "the best part of the day," we are informed, the motion was debated. Unfortunately, no record exists of the speeches made on the subject, nor of the persons who advocated the measure. It is safe to assume, however, that in addition to those who favored the measure from motives similar to those of Barrell, there were many who voted for it merely for the delay which an adjournment would give, and for the resulting advantage to the Antifederalist cause; on the other hand, among those who opposed the motion were doubtless some who afterwards voted against ratification. Finally, the proposition was rejected, out of three hundred and twenty-nine members present only one hundred and fifteen voting in the affirmative.¹

The motion
defeated.

The next day had been set for taking the vote on the final question of ratification. The prospects for adoption were bright, and the hopes of the Federalists ran high. Just before the question was put, however, Samuel Adams arose to propose additional amendments. At once the whole question was again thrown into doubt.

When Adams had first seen the Constitution, he had conceived a dislike for it. "I stumble at the threshold," he had written to Richard Henry Lee, Dec. 3, 1787; "I meet with a national government, instead of a federal union of sovereign states."² At a dinner-

Adams's
attitude
toward the
Constitution.

¹ *Debates*, pp. 265-6.

² *Memoir of R. H. Lee*, II. 130. After the contest was over

Resolutions
of Boston
mechanics.

party given to the Boston delegates by Ex-Governor Bowdoin a few days before the Convention met, he is reported by Gore to have been "open & decided" against the Constitution, supporting his objections "by such arguments & such only as appear in the pieces of Brutus & federal farmer."¹ To influence him and Hancock, together with Dr. Jarvis and one other of the Boston delegates who were understood to be wavering, the Federalists had stirred up the Boston

and the new government had been inaugurated, he wrote again to Lee, Aug. 24, 1789: "I have always been apprehensive that . . . misconstructions would be given to the Federal Constitution, which would disappoint the views and expectations of the honest among those who acceded to it, and hazard the liberty, independence, and happiness of the people. I was particularly afraid that, unless great care should be taken to prevent it, the Constitution, in the administration of it, would gradually, but swiftly and imperceptibly, run into a consolidated government, pervading and legislating through all the States; not for Federal purposes *only*, as it professes, but in all cases whatsoever. Such a government would soon totally annihilate the sovereignty of the several States, so necessary to the support of the confederated commonwealth, and sink both in despotism. . . . I earnestly wish some amendments may be judiciously and deliberately made." (Wells, *Life of Samuel Adams*, III. 273.)

¹ Gore to King, *Life of King*, I. 311-2. The substance of his remarks, according to Gore, was: "That such a Govt. could not pervade the United States—that internal taxes ought not to be given to the Union—that the representation was inadequate—that a Govt. might be formed from this—but this would never answer and ought not to be adopted, but on Condition of such amendments as would totally destroy it." Unless Adams should be disaffected by some such measure as the proposed resolves of the Boston tradesmen, predicts Gore, he "will be indefatigable & constant in all ways & means" to defeat the Constitution. Adams's own account of his course was to the effect that he had had "difficulties and doubts respecting some parts of the proposed Constitution," but that in the convention "he had chosen rather to be an auditor, than an objector, and he had particular reasons therefor." (*Debates*, p. 196.)

mechanics, or "tradesmen," as they were then called, to hold a meeting two days before the Convention assembled. At this meeting, resolutions were unanimously adopted by the four hundred persons present, declaring that "it was our design, and the opinion of this body, the design of every good man in town, to elect such men, and such only, as would exert their utmost ability to promote the adoption of the proposed frame of government in all its parts, without any conditions, pretended amendments, or alterations whatever;" and the delegates of the town were warned that those who opposed the Constitution would, in so doing, act contrary to the "warmest wishes" of the tradesmen of Boston.¹ The effect of these resolutions had been eminently salutary.² Influenced by them, — and partly, perhaps, by the death, during the Convention, of his son, a rising physician of Boston, — Adams had not once spoken against a single feature of the proposed system of government. On the contrary, he had rendered valuable service to the Federalist cause by his remarks against the attempt to hurry on the decision, and by his speech moving the adoption of the amendments introduced by Hancock.

Their influence on Adams.

At the last moment, however, — either, as some of the Federalists thought, because he wished to block the ratification that now seemed imminent; or, as Jeremy Belknap believed with more show of reason,

¹ *Massachusetts Centinel*, Jan. 9, 1788; *Worcester Magazine*, IV. 197.

² See *Thatcher Papers*, No. 12. In the letters of "Laco" it is asserted that these resolves "effectually checked Mr. H. and his followers in their opposition to the Constitution; and eventually occasioned four votes [Hancock's, Adams's, Jarvis's, and one other] in its favour, which otherwise would have been most certainly against it." (*Letters of Laco*, reprinted as *Ten Chapters in the Life of John Hancock*, p. 44.)

Adams's
amendments.

because he desired to increase "his *own* popularity, as Hancock had his,"¹—he proposed the following clause as an addition to the first of the amendments introduced by the Governor: "And that the said Constitution be never construed to authorize Congress to infringe the just liberty of the press, or the rights of conscience; or to prevent the people of the United States, who are peaceable citizens, from keeping their own arms; or to raise standing armies, unless when necessary for the defence of the United States, or of some one or more of them; or to prevent the people from petitioning, in a peaceable and orderly manner, the federal legislature, for a redress of grievances; or to subject the people to unreasonable searches and seizures of their persons, papers or possessions."²

Their effect
and fate.

The substance of the proposition was perfectly innocuous, and could not have been objected to by any fair-minded Federalist; Adams's sole motive in offering it, moreover, may very well have been the laudable desire to secure rights that he conceived were endangered. The effect of its introduction, however, was at once to throw the whole Convention into turmoil and confusion. Both parties were filled with alarm. The Antifederalists supposed that "the old patriot" would never have offered such amendments unless there had been real danger; the Federalists feared the loss of their new converts. On perceiving the mischief that he had done, Adams withdrew his amendments. Another member, however, at once renewed them, and the only recourse left to the veteran leader was to help defeat his own measure.³

¹ Massachusetts Historical Society, *Collections*, Fifth Series, III. 17.

² Journal of the Convention, *Debates*, p. 86; Wells, *Life of Samuel Adams*, III. 267.

³ Belknap's minutes: Massachusetts Historical Society, *Proceedings*, 1858, p. 303.

The motion to ratify was then put, and was carried by the close vote of one hundred and eighty-seven to one hundred and sixty-eight. The majority in favor of ratification, it will be seen, was only nineteen. The nine delegates whose names were returned to the Convention, but who were not present when the vote was taken, might almost have turned the scale in the other direction. Bearing in mind that it was mainly the Antifederalist towns that were unrepresented, it may safely be asserted that out of the forty-six delinquent corporations there were enough which were Antifederalist to have procured the rejection of the Constitution. This calculation, however, is based on the assumption that a corresponding increase did not take place in the Federalist representation. Had all towns entitled to send representatives done so, and had all the delegates been present to cast their votes, it is probable that the final result would not have been changed, though the Federalist majority would have been cut down to scarcely more than a bare half-dozen.¹

Vote on
ratification.

The geographical distribution of this vote is interesting. From the four coast counties, Suffolk, Essex, Plymouth, and Barnstable, heavy majorities in favor of the Constitution were cast in each instance, the total vote from the four being one hundred yeas to nineteen nays. Of the five counties, Middlesex, Bristol, Worcester, Hampshire, and Berkshire, the reverse is true: from these counties strong majorities against

Geographical
distribution.

¹ Under date of Feb. 13, 1788, John Avery, Jr., wrote to Thatcher that he was "pleased upon Reflection" that the adoption was by so slender a majority, because (1) it would prevent much groundless jealousy "in the Minds of our Southern Brethren:" if Massachusetts had been more united it might have been said that her citizens expected greater advantages from the "carrying trade," etc.; and (2) because the slenderness of the majority would convince Congress of the necessity of agreeing to the proposed amendments. (*Thatcher Papers*, No. 31.)

the Constitution were cast, the total being sixty yeas to one hundred and twenty-eight nays. The vote from the three Maine counties, York, Cumberland, and Lincoln, was more evenly balanced, the yeas numbering twenty-five, the nays twenty-one. The outlying county of Dukes cast its two votes in favor of the Constitution; so, too, the Cape Cod district (Barnstable County), so far as it was represented, went solidly for the Constitution, with the exception of the one town of Sandwich. The staunchest Antifederalist district was Worcester County, whose soil was touched neither by navigable river nor by arm of the sea; from it came forty-three votes against ratification, as opposed to a paltry seven in favor of it. On the Federalist side, Suffolk and Essex Counties contended for chief place.¹

Charges of
improper
influences.

It would scarcely be necessary to consider the question whether or not improper influences were used in securing the above result, were it not for two circumstances. The first of these is the publication by a Boston paper, during the session of the Convention, of a direct charge that an attempt was being made to bribe Antifederalist members of that body. The text of this charge is as follows:—

¹ The vote by counties and towns may be found in the editions of the *Debates* of 1788 and 1808, and in Elliot, *Debates*, II. The lists vary, however, in several particulars, owing to the presence of errors in each. The most authentic list is that contained in the official Journal of the Convention (*Debates*, edition of 1856, pp. 87-92), but this gives neither the town nor the county of the delegate; these, however, may be supplied from the list of delegates published on pp. 31-43 of this edition. For a map illustrating the geographical distribution of the vote in the Convention, see *Bulletin of the University of Wisconsin, Economics, Political Science, and History Series*, Vol. I. No. 1. This monograph, the work of Dr. Orin Grant Libby, takes up the geographical distribution of the vote on the Constitution in all the States.

“BRIBERY and CORRUPTION!!!

“The most diabolical plan is on foot to corrupt the Members of the Convention who oppose the adoption of the New Constitution. — Large sums of money have been brought from a neighbouring State for that purpose, contributed by the wealthy ; if so, is it not probable there may be collections for the same accursed purpose nearer home?

CENTINEL.”¹

The second circumstance alluded to above is the sober assertion of a reputable historical writer within the last thirty years, Henry B. Dawson, editor of the old *Historical Magazine*, that “it is very well known — indeed, the son and biographer of one of the great leaders of the Constitutionals in New York has frankly admitted to us — that *enough members of the Massachusetts Convention were bought with money from New York to secure the ratification of the new system by Massachusetts.*”²

In the face of this repeated charge, the matter cannot be passed over in silence. A careful consideration, however, of such evidence as now exists on this head, must lead one to the conclusion that both of these charges are without foundation. It is true that there was political knavery enough and to spare among men of the Revolutionary and Constitutional periods. There was selfish demagoguery in abundance, shameful office-seeking, gross personal abuse in the press, jockeying of the election laws, intimidation and ballot-box stuffing. In many particulars, the adroit politician of to-day has merely improved upon processes already familiar to popular leaders of a century ago. But, to all appearances, actual bribery of the repre-

Their baseless character.

¹ *Boston Gazette and Country Journal*, Jan. 21, 1788 ; *Debates*, pp. 64, 150.

² *Historical Magazine*, November, 1869, p. 268, note.

sentatives of the people with money was not a sin which lay at the door of our fathers. That is a practice for the introduction of which in America we of later generations may claim all the dubious credit.

Dawson's
charge con-
sidered.

Dawson's reference to "the son and biographer of one of the great leaders of the Constitutionals in New York" seems to point to Alexander Hamilton's son, J. C. Hamilton. In the latter's "Life" of his father, however, there seems to be no basis for such a charge as the one quoted. In all probability, the substance of Dawson's assertion — unless, indeed, the reference is to a personal communication — is merely a repetition of the charge contained in the earlier newspaper publication (in connection with which it is made), reinforced by a nebulous remembrance of some statement made by Hamilton which seemed to him to give color to the charge. This is made the more probable by the fact that both charges refer the source of corruption to "a neighbouring State," though, as we shall presently see, it is Rhode Island that is meant thereby in one case, while New York is expressly named in the other. Now, it is scarcely conceivable that a second and independent stream of corruption should have existed, and yet have remained so absolutely unnoticed by persons contemporary with the occurrences. In disposing of the earlier charge, therefore, we may consider the later one to be disposed of as well.

"Bribery and
Corruption"
article in-
vestigated.

At the opening of the next session after the publication of the "Bribery and Corruption" article above quoted, a demand was made in the Convention by Bowdoin and other Federalists for an investigation of the charges contained therein. Against the protests of White, Widgery, and Thompson, — protests which of themselves raise the presumption of falsity against the charge, — a committee was appointed to inquire

into the matter.¹ In spite of the refusal of the printers to give the name of their informant, the investigations of this committee and the pressure of public opinion had the effect, within less than a week, of bringing to light the author of the article in question. This proved to be one Colonel William Donnison, who now, in a card over his own signature, confessed that the only grounds that he had for his assertion were: first, the statement of one citizen to another (which he had overheard) that a plan was "*on foot to silence Mr. N[asson];*" and secondly, another statement by "a credible person . . . , that he was told at Providence about a week [before], by a reputable gentleman there, That a *bag of money* had been sent down to Boston to quiet the members of Convention in opposition to the new Constitution."²

Its authorship
and basis.

On such slender foundation, the merest rumor of a rumor, the whole story seems to rest. After the publication of this card, not even the most rabid Antifederalist dared to repeat the charge. It was universally felt to be, on the showing of its author, absolutely baseless.

Before dismissing wholly, however, this matter of improper influence, we should notice the statement of three members of the Convention from the western part of the State (Consider Arms, Malachi Maynard, and Samuel Field), that one of their reasons for refusing to vote for ratification was their "disgust at the unfair methods which were taken in order to obtain a vote." This arose, however, as they proceed to explain, merely from the fact that the opponents of the Constitution were "in sundry instances treated in a manner utterly inconsistent with that respect which is due to every free-born citizen of the Commonwealth,

Charge of
"unfair
methods."

¹ *Independent Chronicle*, Jan. 24, 1788.

² *Massachusetts Centinel*, Jan. 30, 1788; see also *Ibid.*, Jan. 23.

Its nature.

✓ especially when acting in the capacity of a representative" of the people.¹ Doubtless, as is asserted in Austin's *Life of Gerry*, "irreclaimable malignants" were at times treated with scant courtesy by Federalists.² At the same time, this was far from being the ordinary treatment accorded to them by their opponents. Even were it the universal rule, however, there would be little ground for wonderment, in view of the vast importance of the issue; nor would there seem to be much occasion for reprobation, except in so far as the practice proved impolitic; and, as has before been indicated, the Federalist leaders in Massachusetts were careful to see that matters did not go to this length.

¹ *Hampshire Gazette*, April 16, 1788.

² Austin, *Life of Gerry*, II. 71. For example, in the *American Herald* of Jan. 21, 1788, "a plain countryman," who is a member of the Convention, is represented as saying: "I am pointed at and abused in the streets, for what? Because I feel the independence of a Freeman, and act according to my sentiments."

CHAPTER VI.

RECEPTION OF THE RATIFICATION.—ITS INFLUENCE.

IN the main, the opponents of the Constitution accepted their defeat with good grace. After the final vote was announced, Nasson, Widgery, Taylor, and others of the leaders on that side, arose, one after the other, to inform the Convention of their acquiescence in the result. As Taylor put it, they had been "fairly beaten," and he for his part would "endeavor to infuse a spirit of harmony and love among the people." Widgery expressed the hope and belief "that no person would wish for, or suggest, the measure of a protest." In all, eight speeches of this tenor are referred to in the published report of the debates.¹

Acquiescence
of opponents.

¹ *Debates*, pp. 280-82. Besides the persons quoted above, Abraham White of Norton (Bristol County), General Josiah Whitney of Harvard (Worcester County), and Daniel Cooley of Amherst made noteworthy speeches in favor of acquiescence. General Whitney, who had been instructed flatly against the proposed system, announced that he would "support it as much as if he had voted for it."

Nasson, in addition to his speech in the Convention, expressed his own sentiments, and his expectation as to the attitude of his constituents, in a letter to Thatcher, Feb. 26, 1788. "As the Plan is now Adopted," he says, "I make no doubt but the Eastward parts who have Ever been uniform in Support of Government will bes Still and I have not the Least doubt that when Call^d upon will Turn out Even to support this New plan when many who now appears forward will Scrink back for my Part I Exp't to be like the Nicher of Bray [the Vicar of Bray, whose change of religion with each change of sovereign during the English Reformation

Conciliatory
policy of
Federalists.

In large part, this happy issue was due to the moderation and tact of the Federalist leaders. Every measure was taken to promote harmony, "by paying particular Attention to the Antis especially those of any Influence."¹ After the decision of the great question on the 6th, the whole Convention was invited to partake of "a decent repast" in the Senate Chamber of the State House. There "all party ideas were done away. . . . The toasts given, were truly conciliatory." On the 8th a grand procession was held,—an excellent means to conciliate the populace, as Alexander Graydon, of Pennsylvania, had remarked,—and again refreshments were served, this time in Faneuil Hall; and although only about one-third of the procession could get access to them, the Federalists were careful to see that their "country friends were accommodated to their wishes."²

Upon some of the delegates, however, the blandishments of roast ox and New England rum proved of no avail.³ One of these was old General Thompson, the

was notorious] that is Set who will be King I hope to be looked upon a Good Sugect that is I mean by my Conduct to Declare it to the World I hope that we Shall Continue Peacable and Try this New Constitution and allso hope I Shall be Agreeably Supprised by finding it to turn out for the Best." (*Thatcher Papers*, No. 37.)

¹ Jeremiah Hill to Thatcher, Feb. 28, 1788, *Ibid.*, No. 39.

² *Massachusetts Centinel*, Feb. 9, 1788; reprinted, with the order of the procession, etc., in *Debates*, pp. 323-34. The Antifederalists themselves bore testimony to the courtesy extended to them by their opponents. "Notwithstanding my opposition to the Constitution, and the anxiety of Boston for its adoption," wrote Widgery to Thatcher, while the memory of the Faneuil Hall banquet was still fresh within him, "I most Tel you I was never Treated with So much politeness in my Life as I was afterwards by the Treadesmen of Boston Merchants & every other Gentleman." (*Thatcher Papers*, No. 29.)

³ Despite the publication, by Arms, Maynard, and Field, of their

extent of whose opposition to the Constitution has several times before been noted. In that opposition he now continued implacable. While other delegates were making speeches acquiescing in the result, he is reported to have declared that he would oppose the Constitution as long as he had a hand to move, unless the full thirteen States came into the measure.¹ Belknap fancied that there was "a kind of distraction about him."² During the interval between the adjournment of the Convention and the reassembling of the General Court, of which he was a member, he made a tour of the western counties, instead of returning to his home; and he is said to have called upon the New Hampshire Convention, and endeavored "to stir up what Strife he could there."³ It is said that he exclaimed, as he left Boston, that he would "throw the State into Confu-

Thompson
proves
irreconcilable.

His efforts to
stir up strife.

reasons of dissent, and their characterization of the Constitution as "a curious piece of political mechanism, fabricated in such manner as may finally despoil the people of all their privileges," they are not to be considered as differing in attitude from the members before mentioned. Indeed, they expressly say, "we mean not to be disturbers of the peace should the states receive the Constitution; but on the contrary declare it our intention, as we think it our duty, to be subject to 'the powers that be,' wherever our lot may be cast." (*Hampshire Gazette*, April 16, 1788.)

¹ Widgery to Thatcher, Feb. 8, 1788, *Thatcher Papers*, No. 29.

² Belknap to Hazard, Feb. 10, 1788, Massachusetts Historical Society, *Collections*, Fifth Series, III. 18. In this letter we are told that Theophilus Parsons, quite in keeping with the arbitrary practices which were to make him, while Chief Justice, the terror of the Massachusetts bar, sought to check Thompson's wild talk by cautioning him "against indulging his opposition now the matter was settled," and by reminding him of the danger which he ran thereby "of being punished for treason." As Belknap tells the story, Thompson answered that he had no fear of being hanged, if he could only have him (Parsons) for his lawyer.

³ Jeremiah Hill to Thatcher, Feb. 28, 1788, *Thatcher Papers*, No. 39.

sion." Thomas B. Wait, who reports this utterance, adds the comment, "It is true, these were great *swelling words*; but he may do a great deal of mischief;" accordingly, though an Antifederalist himself, Wait calls upon Thatcher to exert his influence with Thompson to restrain him, adding that he does not think the latter "a man of a bad heart."¹

Treatment of
faithless
delegates.

As to the results of Thompson's labors, we hear nothing. There can be no doubt, however, that they bore little or no fruit. The people were not in a mood to countenance a revolutionary appeal from the decision of their own representatives. Where such representatives had acted contrary to the known wishes of their constituents, they often met, it is true, with but a "cool reception" on their return. This was the case, for example, with Messrs. Rice and Sylvester, of Pownalboro', Maine.² In one case, that of William Symmes, the young Andover lawyer, the disfavor of his constitu-

¹ Wait to Thatcher, Feb. 29, 1788, *Thatcher Papers*, No. 40.

² Widgery to Thatcher, March 16, 1788, *Ibid.*, No. 46. We get some information as to the sentiments entertained toward Nathaniel Barrell by his constituents in a letter from Nasson to Thatcher, Feb. 26, 1788. "When I Arrived att the County of York," he writes, "I Received in General the Thanks of all I Mett, while our Friend Bar'el (for Such I yet Esteem him) was much Abused [*i. e.*, to Nasson; Barrell had not yet returned to York] how far the Town will Carry their Resentment I Cannot Say I Strove as much as in me Lay to keep down the Sperite of the people and I hope that they will not hurt his person or his property. . . . he was Much to Blam I think not for his Voting but for Striving to Enflame the Minds of the Town and County against the then proposed Plan and by that means Got himself Elected." (*Ibid.*, No. 37.) Nasson's fellow-townsmen made him and Widgery their candidates for presidential electors, giving them twenty-three votes, as against only nine cast for the Federalist candidates, David Sewall and Joseph Noyes. This information is kindly furnished by Mr. Edwin Emery, of New Bedford, Mass., who is preparing a history of the town of Sanford.

ents was so pronounced that the recreant delegate was forced to remove to another part of the State.¹

As to the Constitution itself, however, the general opinion seems to have been that which is reported by Silas Lee to have prevailed at Biddeford, namely, that it had "had a fair examination . . . & been carried by a Majority, by whom they [were] ever willing to be governed."² In Worcester County, where trouble was most to be feared, we are told within two weeks that a pacific disposition was "considerably prevalent," and that many persons who had formerly opposed the Constitution now hoped that it would "operate for the general good."³ Within a few weeks, Captain Dench, who had strenuously opposed the new system in the Convention, is reported to have declared publicly at Boston that in his town of Hopkinton, where the inhabitants had before been "almost to a man" against the new plan, there were not then ten men who "would not spend the last drop of their blood in its support."⁴ In short, everything confirms the view which was taken by Rufus King: "I have made a business of conversing with men from all parts of the State," he writes to Alexander Hamilton, June 12, 1788, "and am completely satisfied that the Constitution is highly popular; that its opponents are now very few, and those few hourly diminishing."⁵

General acceptance of the result.

Some traces of Antifederalism, however, are to be found in the action of the General Court, which re-

Lingering traces of opposition

¹ Bailey, *Historical Sketches of Andover*, pp. 131, 397.

² To Thatcher, Feb. 22, 1788, *Thatcher Papers*, No. 36.

³ "A Gentleman in Worcester County, to his Friend in Suffolk," *Independent Chronicle*, Feb. 21, 1788.

⁴ *Salem Mercury*, May 27, 1788.

⁵ *Life of King*, I. 333. To the same effect is a letter from Silas Lee to Thatcher, March 20, 1788. "Many who have been much opposed to the Constitution," he says, "are become warm advocates for it." (*Thatcher Papers*, No. 48.)

Hancock's
address to
the General
Court.

assembled at Boston toward the close of February, 1788. The first outbreak was occasioned by the address with which the Governor opened the session. In this address Hancock does not hesitate to give that praise to the new system which in October it had not been "within the duties of [his] office" to accord; and of the Convention itself he says, "I believe there was never a body of men assembled, with greater purity of intention, or with higher zeal for the public interest."¹

Bishop's
opposition.

To this praise, both of the measure and of the men ratifying it, Phanael Bishop, whose name is wanting in the list of delegates speaking for acquiescence, took serious exceptions. There still exists in the archives of the State, at Boston, the manuscript of a motion made by him in the House in amendment of the answer to the address of the Governor. "While we suspend our opinion," it runs, "of the purity of Intention and of the great zeal for the Safety and welfare with which the late convention assembled we are in Justice to our constituents constrained to say, that the result of their deliberations does not seem well calculated for those valuable purposes" mentioned by the Governor, namely, to insure the defence of, and promote tranquillity and happiness among, the States. "If the amendments proposed with the ratification . . .," continues the old insurgent, "had been made a condition of ratification they would have gone some way

¹ Massachusetts Archives, MS. Journal of the House, VIII. 378-9; also *Debates*, pp. 18, 283-4. In addition to what is here quoted, the obvious imbecility of the Confederation, the difficulty of framing a new system, and the necessity of union, are touched upon. In conclusion the Governor expresses his assurance of an early adoption of the amendments proposed, and says: "When they shall be added to the purposed plan, I shall consider it as the most perfect system of government, as to the objects it embraces, that has been known amongst mankind."

tho not fully to a conciliation of our minds to the System — but your excellency will permitt us to say that as they now stand they neither comport with the dignity or safety of this Commonwealth.”¹ In his

¹ As this motion was not printed at the time, and as it seems hitherto to have escaped the notice of historians, the material portion of it is appended hereto. As will be observed, it follows closely the heads of the Governor’s address.

“We have long been sensible of the imbecility of the Confederation of the United States,” it reads, “and of the Consequences of that Imbecility, and therefore appointed delegates to the late general Convention for the Sole and express purpose of revising the articles of Confederation, And reporting to Congress & the several Legis[la]tures such alterations and provisions therein as shall when agreed to in Congress and confirm^d by the States render the federal constitution adequate to the exigencies of Government and the preservation of the Union. If they had observed and acted agreeable to their Commission no Difficulty perhaps would have arisen from the numbers of a people spread over a vast Extent of territory containing such a great variety of Soils and under such extreems of climate and with such different views and habits while they were so well united in that one object, we are fully persuaded that our national existance might in that way have been preserved with unanimity tranquillity and peace. — we do not wish to be known to the world under any other Appellation than that of the United States. —

“In Confederation and Union with our Sister States, we have happily baffled the intrigues and defeated the force of great Britain, have supported the rights of mankind and secured the Freedom and Independence of America — while we wish to preserve the union entire and are fully sensible of the Ill consequences of an interruption of it — we are sorry to differ from your Excellency in the mode of effecting the first and avoiding the last. — Every good Government should have for its Objects — Defence against external enemies and the preservation of Internal tranquillity and happiness — while we suspend our opinion of the purity of Intention and of the great zeal for the Safety and wellfare with which the late convention assembled we are in Justice to our constituents constrained to say, that the result of their deliberations does not seem well calculated for those valuable purposes.

“we shall under this head only add, that the rights & liberties

Compromise
agreed to.

objections to the reply as originally reported, Bishop had the support of a majority of the members of the House. A motion to amend his amendment by expunging the clause, "while we suspend our opinion," and inserting "while we do not doubt" in its place, was lost. The whole matter was finally settled by a vote that the reply, as reported by the committee of the two Houses, and as voted by the Senate, be referred to a committee, which should be instructed to report "such amendments thereto, as that the said address when passed may not contain any opinion of the legislature upon the merits of the constitution."¹

Proposed
address to
the people.

In one other way the Antifederalist sentiments of a portion of this House were manifested. To insure a favorable reception of the ratification, the Convention, on the day on which it adjourned, had appointed a committee of its members to prepare "an address to the people, stating the principles of the said constitution, the various objections which were made against it, and the answers they received; and explaining the absolute necessity of adopting some energetic system of federal government for the preservation of the union." This address, when prepared, was to be transmitted to the General Court, with the recommendation that it be published, and that copies be forwarded to the several towns of the Commonwealth.²

of a great contry should stand on firmer grounds then that of meer provability.

"If the amendments proposed with the ratification of the late convention, had been made a condition of ratification they would have gone some way tho not fully to a conciliation of our minds to the System — but your excellency will permitt us to say that as they now stand they neither comport with the dignity or safety of this Commonwealth." (Massachusetts Archives, House Document No. 2689; MS. Journal of the House, VIII. 408.)

¹ *Ibid.*, p. 411.

² See Papers of the Convention of 1788, State House; also

The committee seems to have soon completed its labors. A resolve accordingly was passed by the Senate at this session, directing the official printers to print the address, as required by the foregoing resolution.¹ In the House the matter came up on March 29, when the Senate resolution was brought down for concurrence. The proceedings which thereupon ensued are quite obscure, as the entries on the Journal are brief, and no record of the debates has been preserved in the public prints, or, seemingly, in private letters of the time. It is certain, however, that the House showed itself pronouncedly hostile to the publication of the address in question. In the first place, a motion to defer the matter to the next session was defeated, by a vote of one hundred and thirty to forty-seven. The question of concurring in the Senate resolve was then put, and it too was defeated by the overwhelming vote of one hundred and eighteen to two.² This vote was decisive of the matter, as the Senate took no further steps to secure concurrence. The address was never published; nor, so far as can be ascertained, has the manuscript of it been preserved. A letter from Nathaniel Gorham to King, under date of April 6, 1788, throws some light on the reasons for non-publication. "The Legislature," he writes, "have ended the session without doing any mischief. The utmost prudence & moderation was necessary & it

Action of
the Senate.

Hostility of
the House.

Gorham on
the reasons
for non-
publication.

Debates, pp. 92-3. George Cabot, Theophilus Parsons, Ebenezer Peirce, Caleb Strong, and the Secretary of the Convention (George Richards Minot, the author of the *History of the Insurrections in Massachusetts*), were named as this committee.

¹ Massachusetts Archives, MS. Journal of the Senate, VIII. 395; also *Debates*, p. 322.

² Massachusetts Archives, MS. Journal of the House, VIII. 517. What seems to be a record of the votes is written in the margin, but the figures are not perfectly legible.

was exerted. Things were so critically situated that the publication of the papers would have been injurious; neither will it now be of service, as the people so far as apply immediately to the federal Government are perfectly quiet."¹

Importance of
the decision
of Massa-
chusetts.

Throughout the Union the decision of Massachusetts as to the Constitution had been anxiously awaited. Before her determination was reached five States only — Delaware, Pennsylvania, New Jersey, Georgia, and Connecticut — had passed upon the new system. In only two of these, Pennsylvania and Connecticut, had any opposition been manifested, and in the former only had that opposition led to a contest comparable in importance with that which took place in Massachusetts. On all sides the belief was expressed that the action taken by the latter State would be decisive of the final result. Even before the Massachusetts Convention had assembled, a New York Federalist had written: "All our hopes are on Massachusetts — should she adopt the new Constitution — I have no doubt it would be in force by

¹ *Life of King*, I. 324. A further manifestation of Antifederalism may be seen in the election held in the spring of 1788. Toward the close of February, a meeting of Antifederalists was held at Dudley, Worcester County, at which it was resolved to send messengers into every town in the counties of Worcester, Berkshire, Hampshire, Bristol, and Middlesex, "pointing the inhabitants of these places to Gerry & Warren for Govr. and Lt. Govr." (Gore to King, March 2, 1788, *Ibid.*, p. 323.) This looks somewhat like a nominating convention. From the returns it is apparent that these candidates fell far short of getting the full vote which had been cast against the Constitution at the time when delegates to the Convention were elected. Hancock got four-fifths of the votes cast for Governor, while Gerry got only one-fifth. The Federalist support given Hancock must, however, be taken into consideration. Of thirty-one members of the Senate elected by the people, only six were Antifederalists. (King to Madison, May 25, 1788, *Ibid.*, p. 329.)

May next, at furthest.”¹ The decision of Massachusetts either way, wrote Madison to Washington, January 20, 1788, would involve the result in New York. An adverse decision, he intimated, would also probably embolden the Pennsylvania minority to set at naught the ratification of that State and make some rash but dangerous move against the new system.² The leaders of the Federalists in Massachusetts had realized the importance of the issue. “Without overrating their own importance,” Knox had written to Washington, February 10, 1788, they “conceived that the decision of Massachusetts would most probably settle the fate of the proposition;”³ hence the caution and conciliation which had marked their procedure at every step.

As events proved, these expectations were not greatly exaggerated. It is true that the contest lingered on for many months. In two States, Virginia and New York, struggles fully as intense as those which had taken place in Pennsylvania and Massachusetts were yet to ensue; while in two others, Rhode Island and North Carolina, ratification was to be delayed until after the new system of government had been formally inaugurated. Nevertheless, the ratification of the proposed Constitution by Massachusetts was the turning-point in the contest. Not only had that State influence enough to decide many who before had been wavering, but she had by her “conciliatory proposition” shown a way by which the Constitution might be saved, while at the same time the dangers would be obviated which many conceived would result from unconditional acceptance. To Jefferson, Richard Henry Lee, and others who stood high in the counsel of the Antifederalists, the idea of proposing amendments, not as a condition

Struggles in
other States.

¹ *Massachusetts Centinel*, Dec. 29, 1787.

² Madison, *Letters and other Writings* (1865), I. 370.

³ *Debates*, p. 410; Drake, *Life of Knox*, p. 150.

of ratification, but as a mere recommendation to Congress, was exceedingly distasteful.¹ To the rank and file of the opposition in other States, as in Massachusetts, the idea proved exceedingly taking. If we may believe an anonymous letter from a gentleman in "one of the Southern States," the principal persons in the opposition there had "expressed themselves in favour of adopting the plan in the form in which it was adopted in Massachusetts, carrying the recommended amendments rather farther than she [had] done: And many of the ablest supporters of the plan [had] declared their readiness to meet the opposition on this ground."²

Influence
of Massa-
chusetts.

The most striking testimony to the influence of Massachusetts in this particular, however, is to be found in the action of the Conventions themselves. Prior to the inauguration by Massachusetts of the practice of recommending amendments, the issue presented had been the bare one of acceptance or rejection. Of the five States which had already ratified the Constitution, not one had officially proposed a single amendment to that instrument. After Massachusetts had once pointed out the way, however, all this was changed: of the seven States which had yet to ratify, only one, Maryland, omitted to take such action.

¹ As is well known, Jefferson soon receded from his antagonistic position toward the Constitution; by July, 1788, he had come to regard the Massachusetts mode of ratification "as the only rational one." Elliot, *Debates*, V. 573.

² *Salem Mercury*, April 8, 1788; see also, in the issue of April 15, a letter to the same effect as regards Virginia.

APPENDIX.

A.

LETTER OF "CORNELIUS."

[From the *Hampshire Chronicle*, Springfield, December 11 and 18, 1787.]

GREAT, and perhaps, just encomiums are, in the public prints, and in private circles, daily bestowed on the Constitution reported by the late Federal Convention. Not the least objection, that I recollect, has publicly appeared against it. Among those in particular, who are reputed wise and discerning, almost every one seems eager to embrace it. This being the case, it will undoubtedly be considered by many, as discovering a want of modesty in any one, who may presume to express a doubt of the expediency and happy consequences of adopting the constitution.

General
acceptance of
Constitution.

As truth will bear the light; and by how much the more close examination it undergoes, by so much the more ravishing beauty it will shine; there can be no danger in hinting at some of the objections that arise against this form of government, in the mind of one, who feels for his own safety — who has never learned to see with eyes, other than his own, and who, at the same time, wishes the happiness of his fellow-men, so far at least, as that of his own is included.

Power has not commonly been suffered to lie down dormant, and to rust in the hands of its possessors, for want of use. It may well be presumed that men, whether individuals, or publick bodies, will generally exercise as much power as they are legally vested with, and as

Power given
will be used.

much to their own private advantage as they have a constitutional right to do. — With this general idea in view, let us attend to the Constitution; and soberly consider some of the consequences that will probably follow, if it should be adopted by the United States.

Not an amendment of the confederation.

It may be observed in the first place, that this Constitution is not an amendment of the confederation, in the manner therein stipulated; but it is an intire subversion of that solemn compact. — By the 13th article of that compact, the faith of the United States is solemnly pledged to each and every State, that “the articles of this confederation shall be inviolably observed by every State, and the union shall be perpetual; nor shall any alteration at any time hereafter be made in any of them, unless such alteration be agreed to in a Congress of the United States and be afterwards confirmed *by the legislature* of every state.”

By the 7th article of the constitution it is ordained, that “the ratification of *the conventions of nine* States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.”

A violation of that compact.

Will not the adoption of this constitution in the manner here prescribed, be justly considered as a perfidious violation of that fundamental and solemn compact, by which the United States hold an existence, and claim to be a people? If a nation may so easily discharge itself from obligations to abide by its most solemnly [*sic*] and fundamental compacts, may it not, with still greater ease, do the same in matters of less importance? And if nations may set the example, may not particular States, citizens, and subjects follow? What then will become of publick and private faith? Where is the ground of allegiance that is due to government? Are not the bonds of civil society dissolved? Or is allegiance founded only in power? Has *moral obligation* no place in civil government? In mutual compacts can

one party be bound while the other is free? Or, can one party disannul such compact, without the consent of the other? If so, constitutions and national compacts are, I conceive, of no avail; and oaths of allegiance must be preposterous things.

By this constitution, *the legislative powers are vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.* The latter are to be chosen for two years, and the former for six. It has been a generally received maxim, that frequent and free elections are the greatest security against corruption in government, and the oppression of the people. Have the United States, hitherto, suffered any inconvenience from annual elections? Have their delegates been too often shifted, or too frequently recalled? This, I believe, will not be pretended.

Length of
Congressional
term.

When once the Senators and Representatives are elected, they are under no constitutional check or controul from their constituents, either by instructions, being liable to be recalled, or otherwise. It is not in the power of the citizens or the legislature of any particular State, nor of all the citizens and legislatures of all the States, either to give any legal instructions to a single member of Congress, or to call him to account for any part of his conduct relative to the trust reposed in him. He may be impeached by the House of Representatives, provided he conducts himself in a manner that is offensive to them; but he cannot be convicted in any case, without the concurrence of two-thirds of the Senators present.

Congress
unchecked by
constituents.

The Congress are to have *power to levy and collect taxes, duties, imposts and excises*, at their discretion; and out of this revenue, to make themselves such compensation for their services as they may think proper.

Congressmen
to fix their
own pay.

Is it altogether certain, that a body of men elected for so long a term, rendered thus independent, and most of

them placed at the distance of some hundreds of miles from their constituents, will pay a more faithful regard to their interest, and set an example of economy, more becoming the circumstances of this country, than they would do, if they were annually elected, subject to some kind of instructions, and liable to be recalled, in case of male administration? Have the several states, in the estimation of the Compilers of this Constitution, been hitherto, so parsimonious and unjust in paying their delegates, that they have rendered themselves unfit to contract with their Senators and Representatives, respecting a compensation for their services? If so what may we suppose will be considered as a just compensation, when this honourable Body shall set their own pay, and be accountable to none but themselves?

It will probably be urged, "Our State Legislatures set their own pay; and why should not Congress do the same."

Comparison
with State
legislatures.

If the cases are similar, the reasoning may be good; but there is a wide difference between them. The members of our State legislature are annually elected—they are subject to instructions—they are chosen within small circles—they are sent but a small distance from their respective homes: Their conduct is constantly known to their constituents. They frequently see and are seen, by the men whose servants they are. While attending the duties of their office, their connexions in general, are with men who have been bred to economy, and whose circumstances require them to live in a frugal style. They are absent from their respective homes but a few days, or weeks, at most. They return, and mix with their neighbours of the lowest rank, see their poverty, and feel their wants.—On the contrary: The members of congress are to be chosen for a number of years. They are to be subject to no instructions. They are to be chosen within large circles:

They will be unknown to a very considerable part of their constituents, and their constituents will be not less unknown to them. They will be far removed and long detained, from the view of their constituents. Their general conduct will be unknown. Their chief connections will be with men of the first rank in the United States, who have been bred in affluence at least, if not in the excess of luxury. They will have constantly before them the enchanting example of ambassadors, other publick Ministers, and Consuls from foreign courts, who, both from principles of policy and private ambition, will live in the most splendid and costly style. Men are naturally enough inclined to vie with each other. Let any body of men whatever be placed, from year to year, in circumstances like these; let them have the unlimited controul of the property of the United States; and let them feel themselves vested, at the same time, with a constitutional right, out of this property to make themselves such compensation as they may think fit: And then, let any one judge, whether they will long retain the same ideas, and feel themselves under equal restraints, as to fixing their own pay, with the members of our state legislature. This part of the Constitution, I conceive to be calculated not only to enhance the expense of the federal government to a degree that will be truly burdensome; but also, to increase that luxury and extravagance, in general, which threatens the ruin of the United States; and that, to which the Eastern States in particular, are wholly unequal.

Congressmen
will be ex-
travagant.

By this Federal Constitution, each House is to be the judge, not only of the elections, and returns, but also of the *qualifications* of its members; and that, without any other rule than such as they themselves may prescribe. This power in Congress, I take to be equal to that of a negative on elections in general. And the freedom of elections being taken away, where is the security or

Power to
judge of
qualifications
of members,

and to regulate elections,

especially as to places of elections.

liberty that is reserved to the citizens under this federal government? But as if this were a light thing, and the liberties of the people not sufficiently cramped by their election being thus exposed to a negative, at the pleasure of each House; the Congress are also vested with the power of prescribing, not only the times and manner of holding elections for Senators; but, the times, manner and *places* of holding elections for Representatives. There is undoubtedly, some interesting and important design in the Congress being by the Constitution, thus particularly vested with this discretionary power of controuling elections. Will it be urged that, as to such particular times and *places* for holding elections as may be most convenient for the several States, the Congress will be more competent judges than the citizens themselves, or their respective legislatures? This surely will not be pretended. The end then of placing this power in the hands of the Congress, cannot have been, the greater convenience of the citizens who are interested and concerned in those elections. But whatever may have been the *design*, it is very easy to see that a very interesting and important use may be made of this power; and I can conceive of but one reason why it should be vested in the Congress; particularly as it relates to the *places* of holding elections for Representatives. This power being vested in the Congress may enable them, from time to time, to throw the elections into such particular parts of the several States where the dispositions of the people shall appear to be the most subservient to the wishes and views of that honourable body; or, where the interests of the major part of the members may be found to lie. Should it so happen (as it probably will) that the major part of the Members of Congress should be elected in, and near the seaport towns; there would, in that case, naturally arise strong inducements for fixing the places

for holding elections in such towns, or within their vicinity. This would effectually exclude the distant parts of the several States, and the bulk of the landed interest, from an equal share in that government, in which they are deeply interested.

There is nothing in the constitution that determines what shall be considered as an election of a Representative. The Representatives are to be chosen by the people; and where there are a number to be chosen, it is, perhaps, not very likely that any one gentleman will have a majority of all the votes. Those who may appear to have the greatest number of votes must, therefore be considered as being elected. — I wish there never might be any competition between the landed and mercantile interests, nor between any different classes of men whatever. Such competitors will, however, exist, so long as occasion and opportunity for it is given, and while human nature remains the same that it ever has been. The citizens in the seaport towns are numerous; they live compact; their interests are one; there is a constant connection and intercourse between them; they can, on any occasion, centre their votes where they please. This is not the case with those who are in the landed interest; they are scattered far and wide; they have but little intercourse and connection with each other. To concert uniform plans for carrying elections of this kind is intirely out of their way. Hence, their votes if given at all, will be no less scattered than are the local situations of the voters themselves. Wherever the seaport towns agree to centre their votes, there will, of course, be the greatest number. A gentleman in the country therefore, who may aspire after a seat in Congress, or who may wish for a post of profit under the federal government, must form his connections, and unite his interest with those towns. Thus, I conceive, a foundation is laid for

Elections
will be by
plurality,

which favors
seaport towns.

The landed interest will be unrepresented.

throwing the whole power of the federal government into the hands of those who are in the mercantile interest; and for the landed, which is the great interest of this country to lie unrepresented, forlorn and without hope. It grieves me to suggest an idea of this kind: But I believe it to be important and not the mere phantom of imagination, or the result of an uneasy and restless disposition. I am convinced of the candour and liberal disposition of gentlemen who are now in the seaport towns, and the mercantile interest; and I am fully persuaded, they desire no such undue advantages over their brethren in the country, who are in the landed interest. But, let a man be *king over Syria*; and he may do things for which he had, before, no disposition. The Constitution is designed for time to come.

Office of President.

The executive power is to be *vested in a President of the United States, who is to hold his office during the term of four years, and who is to be commander in chief of the army and navy, and of the militia of the several States, when called into the actual service of the United States. He is to receive for his services, at stated times, a compensation which shall not be increased nor diminished during the term for which he is elected.* This compensation must, and ought, to be suited to the dignified station in which that officer is placed, which cannot be considered as far below that of an European Monarch. Elective Monarchies, wherever they have obtained, have generally been attended with the most dreadful consequences. And I am not without fear that venality and corruption may shortly be found among some of the least calamities that will attend those elections. At no very distant period, we may expect the most violent competitions between individual aspiring men, between particular States, and between the Eastern and Southern States. When this shall take place,

His election will produce venality, corruption, etc.

it will be natural to seek, and easy to find, sufficient pretences for recourse to arms.

The judicial power of the United States is to be vested in one Supreme Court, and in such other inferior Courts as Congress may from time to time ordain and establish. The Judges of both are to hold their offices during good behaviour and at stated times, to receive for their services a compensation which shall not be diminished during their continuance in office. — From the great variety of cases to which this judicial power is to extend, it is apparent these courts must be numerous. And as the judges are, at stated times, to receive from the publick, a compensation for their services, this must add a very considerable sum to the expense of government. Every trifling controversy of twenty shillings, or less, *between citizens of different States*, must be brought, it seems, before one of these Federal Courts. The great number of publick men that must be supported on the plan of this Constitution, in addition to the governments of the particular States, must lay a burden on the citizens which there is reason to fear, will prove insupportable.

Expense of
judiciary.

The publick mind I fear, is at this critical juncture, prepared to do the same that almost every people, who have enjoyed an excessive degree of liberty have done before; — to plunge headlong into the dreadful abyss of Despotick Government. — At the time of forming the Confederation, the publick rage was on the side of liberty. The reigning disposition then was, to secure the highest degrees of liberty to the people, and to guard against every possible instance of oppression in their rulers. The consequence is, want of sufficient energy in government. We have had a surfeit of liberty; and, to many, the very name has now become nauseous.

Reaction
towards
despotism.

That the Congress ought to have further powers than those with which they are vested by the Confederation,

Remedy as
bad as the
disease.

no reasonable man will deny. That this is absolutely necessary in order that the United States should continue much longer to exist, with any tolerable degree of reputation, I am fully convinced. But that the Congress, or any other body of men, should be vested with all those independent and unlimited powers prescribed in the Constitution, appears to me, by no means necessary. Considering the principles by which publick bodies are generally influenced, I am very apprehensive, that if this Constitution is adopted, the remedy proposed will, in no very distant period of time, prove at least equally distressing with the disease itself. The strength and energy of government does not, I conceive, so much consist in particular men, being vested with unlimited powers, as it does in a due regulation of the necessary powers with which they are vested, and in effectual provision for the exercise of those powers. It is possible, I believe, for a government to be weak in the hands of a Despot, and strong where considerable degrees of liberty are enjoyed.

Amendment
of the Articles
sufficient.

We have practiced but a few years on the confederation; long enough however, to discover its principle [*sic*] defects. The great embarrassments under which we have laboured, are found, I imagine, to have risen from the want of a revenue, and a general regulation of trade. If Congress (continuing in all other respects, to possess the same powers which they do at present) were vested with the further power of laying and collecting taxes, duties, imposts, and excises, and with the exclusive right of regulating Commerce, I believe our federal government would be as firm and happy as might reasonably be expected to fall to the lot of humanity, in this state of imperfection.

Presidency.

If it is indeed necessary that we should have a President, vested with the powers prescribed in the Constitution, I am fully persuaded that rather than that he

should be elected in the manner therein described, and for the term limited, it would be attended with consequences less pernicious, at once, to make the office hereditary and during life. This would, at least, prevent that rivalry, venality, corruption, and tumult, which may be expected, sooner or later, to attend those elections.

If it is further necessary that a Judicial Court should be constituted, whose powers shall extend to certain cases of national importance; this, I apprehend, may be done with equal advantage, and less inconvenience, without multiplying these Courts in the manner which the Constitution prescribes. Judiciary.

In the case of direct taxation, the rule of apportionment among the several States, I take to be very unequal, and in its operation will prove exceedingly injurious to the Eastern States. These States, compared with the Southern, have always abounded in people more than in wealth; and from the nature of their climate and soil, will forever continue to do the same. Yet, by this rule of apportionment, a great allowance is made in favour of the Southern States: Thus three persons, including those bound to service for a term of years, being reckoned equal to five slaves. In the Eastern States there are but few slaves. In Massachusetts, there are none. There are in that State, a large number of negroes; and in apportioning the taxes, three of these negroes are to be reckoned equal to five in the Southern States. Direct taxation. X

When I consider the independent situation in which the members of Congress are placed, — the sovereign right of controuling elections, which that honourable body are to possess, — the discretionary, and unlimited power, vested in each House to judge of the qualifications of its members; and that by such rules only as they themselves may prescribe, and alter as they A government of men, not of laws.

please,—the unbridled temptations that will be constantly before them to aggrandize themselves, their connexions, and friends, at the expense of their constituents, and the unbounded opportunity they will have to do this: I am constrained to believe, that the principles on which the Constitution is predicated, are such as tend to a government of *Men*, and not of *Laws*. And, notwithstanding the high encomiums that are bestowed on this form of government, I shall be most disagreeably [*sic*] disappointed, if it does not prove, in its operation, to be one of the most unequal, arbitrary, oppressing, venal, and corrupt governments that is extant.

Comparison
with British
Constitution.

I am sensible that the office of President of the United States is, in some respects, different from that of King of Great Britain; and also, that the powers of the Senate are, in some measure different from those of the House of Lords: Yet, either the one, or the other, existing in America, might be pernicious to the people. And it may be yet uncertain, whether, in every instance wherein they differ, the difference is in favour of the Federal Government. — In offices that are elective, where the elections are liable to embarrassments, or exposed to venal and corrupt influence, it may admit of some doubt, whether the man of the greatest integrity, or the man of the greatest intrigue, stands the fairest chance for preferment!

Thus I have ventured, with freedom, and I hope, with candour, to express my own ideas on this interesting and important subject. I have no disposition to kindle a flame, nor to excite any groundless fears, in the minds of my fellow citizens. I most ardently wish for an ~~efficient~~, firm and permanent *system of government*; and at the same time, that the people at large may enjoy as much liberty and ease, as may be consistent with such a government.

CORNELIUS.

B.

LETTERS OF "A REPUBLICAN FEDERALIST."¹

NO. I.

[*Massachusetts Centinel*, Boston, December 29, 1787.]

To the MEMBERS of the CONVENTION of MASSACHUSETTS.

Honourable Friends, and Fellow Citizens,

YOU are called on, and will soon convene to con- Introduction.
duct a matter of the last importance to your country —
the confidence of your constituents in your abilities and
integrity can never be more fully expressed, than by their

¹ The author of this series of letters, or at least of a part of them, was probably James Warren, who was at this time Speaker of the House of Representatives, but who is perhaps better known now as the husband of Mercy (Otis) Warren. He was born in 1726, and was a son of James Warren, sheriff of Plymouth County under the crown; he graduated at Harvard in 1745, and at the death of his father came into possession of a profitable mercantile business. He entered early into the revolutionary movement, serving several years in the Provincial Congress of Massachusetts, and also for some time on the navy board under the Continental Congress. In State politics since the Revolution he seems to have identified himself with the popular party, and to have sympathized to some extent with the Shays's Rebellion. In the newspapers of the day his friendship to tender laws, and his enmity to impost duties are referred to as well known. See, for example, *Boston Gazette*, Oct. 29, 1787, the dialogue between "Mr. Schism and Mr. Cutbrush." In the contest over the Constitution he became one of the leaders of the party opposing ratification. See, for example, in the *Massachusetts Centinel*, Nov. 24, 1787, the so-called "Ship News," where reference is made to "the ship W——n, which is anchored in M——n road, laden with *inflammables* and other stores for the antifederal

suffrages on the present occasion — and on your wisdom and firmness is in a great measure suspended, the fate of the United States.

In a free State like this, and under such circumstances, every individual must be anxious at the approach of an event, which will entail happiness or misery, not only on himself, his family, and the community, but also on his and their posterity: — He has therefore a *right* to address you, and your patriotism will prompt you to consider seriously, whatever shall be offered on the subject with reason and candour, and be worthy of your attention.

Candid
discussion
necessary.

Seneca I think has established this maxim, that in all concerns of life, we should enquire, *first*, what we want, and *secondly*, how we are to attain it? — Apply these to the present case, and the answers are plain: We want a *free, efficient federal* government — and can only attain it, by a *candid, dispassionate, discussion* of the subject. A system of government has been proposed by the federal Convention: Some are for adopting, some for amending, and others for rejecting it: And when it is considered that a *federal* government must necessarily be more complicated in its nature than a *simple one*, and that to form the latter, the ingenuity of man has never yet been able to establish fixed principles which will apply in all cases, is it a matter of surprize, that in forming a Federal Constitution, even *sensible, disinterested* men should differ in opinion, and require an investigation of their principles, in order to convince

fleet;” Governor Hutchinson’s mansion at Milton was at this time Warren’s residence. The evidence that these letters in particular are to be ascribed to Warren is partly circumstantial: we have also, however, the statement of the biographer of James Sullivan that these writings “are stated, with an air of authority, to have come from the pen of a gentleman of Plymouth” (Amory. *Life of Sullivan*, I. 227). This statement points unmistakably to Warren.

each other, and to correct their mutual errors? Surely not, and the more calm and temperate their discussions are, the greater will be their prospect of success. Some able writers on both sides have favoured us with their sentiments on the three great questions respecting the adoption, amendment, and rejection of the proposed plan of government, and we are much obliged to them for their diligent researches and ingenious remarks: — Others with little ability and less decency, have continually wounded the feelings of the publick, by railing against every one who has not subscribed their *political* creed; which if good in itself, would be rendered *odious* by the persecuting spirit of such ignorant zealots: But let them be informed, that their *humour* and *petulance* are not criterions for regulating the judgment of the publick; and that every individual has an equal right with themselves, to attend to the greatest of all earthly concerns, *the establishment of good government*. — Even the news-papers of Boston have been thus disgraced. Boston has been famed for the liberality of its citizens, and for their attachment to liberty: And the reputation of so respectable a community should not be tarnished by illiberal productions.

A persecuting spirit exhibited by some writers.

In investigating the subject of the proposed constitution, let us first inquire, upon what *ground* it stands: Because if it has no *foundation*, the superstructure must *fall*.

The Federal Convention was first proposed by the legislature of Virginia, to whom America is much indebted for having taken the lead on the most important occasions. — She first sounded the alarm respecting the intended usurpation and tyranny of Great Britain, and has now proclaimed the necessity of more *power* and *energy* in our federal government: But anxious as that wise State is for the attainment of these great objects, we find her *not precipitate in adopting the new consti-*

Attitude of Virginia toward the Constitution.

Adjournment
suggested.

Massachu-
setts Resolve
of Feb. 21,
1787, appoint-
ing federal
delegates.

tution. She has allowed herself time to consider the subject, and has deferred the meeting of her Convention until May next — Several other States are of the same opinion, amongst which are the respectable States of *New-York* and *Maryland*. — Is it not then a matter worthy of your consideration, whether any disadvantages can result, nay, whether the greatest advantages may not accrue from an adjournment of the Convention of Massachusetts, until the sense of Virginia can be known? *Too much light cannot be thrown on the subject, neither can a short delay possibly injure us ; but an hasty decision may irretrievably ruin us.*

In consequence of the measures of Virginia respecting the calling a federal Convention, the legislature of this State on the 21st of February last, *Resolved*, “ That five Commissioners be appointed by the General Court, who, or any three of whom, are hereby empowered to meet such commissioners as are or may be appointed by the legislatures of the other States in the union, at Philadelphia, on the 2d day of *May* next; and with them to consider the trade and commerce of the United States, and how far an uniform system in their commercial intercourse and regulations may be necessary for their common interest and permanent harmony; and also to consider, how far it may be necessary to alter any of the articles of the present Confederation, so as to render the Constitution of the Federal Government more adequate to the exigencies of the union: And what further powers may be necessary to be vested in Congress for the common welfare and security, and with them to form a report for the purpose — such alterations and additions as may be made, to be however consistent, with *the true republican spirit, and genius of the present articles of Confederation.* Provided that the said Commissioners on the part of this Commonwealth, are hereby particularly instructed, by no means

to interfere with the fifth of the articles of the Confederation, which provides *for the annual election of delegates in Congress, with a power reserved to each State, to recal its delegates, or any of them, within the year, and to send others in their stead for the remainder of the year — and which also provides that no person shall be capable of being a delegate for more than three years in any term of six years, or being a delegate, shall be capable of holding any office under the United States, for which he or any other, for his benefit, receives any salary, fees, or emolument of any kind.*" "The report of the said Commissioners from the several legislatures to be laid before the United States in Congress assembled, to the intent, that if they shall judge it proper, they may recommend the said report or any part of it to the legislatures of the several States for their consideration: And if agreed to by them, that the same may become a part of the Confederation of the United States."

Restrictions
as to their
powers.

This was the resolution of Massachusetts, in consequence of the proposition of Virginia, but Congress having on the 21st of February, the same day on which this resolution passed, recommended a Federal Convention, our Legislature on the 7th of March last, repealed that, and passed the following resolve — "Whereas Congress did on the 21st day of February 1787, resolve, "That in the opinion of Congress, it is expedient that on the second Monday in May next, a Convention of Delegates, who shall have been appointed by the several States, be held at Philadelphia, for the *sole* and *express* purpose of revising the articles of Confederation, and reporting to Congress and the several legislatures such *alterations* and *provisions therein*, as shall when agreed to in Congress and confirmed by the States; render the Federal Constitution adequate to the exigencies of government and the preservation of the union — And whereas, the legislature of this Commonwealth

Resolve of
March 7, in
amendment
thereto.

did on the 3d day of the present month, elect the Hon. Francis Dana, Elbridge Gerry, Nathaniel Gorham, Rufus King, and Caleb Strong, Esquires, delegates, or any three of them, to attend and represent this Commonwealth at the aforesaid Convention for the *sole* and *express* purpose mentioned in the afore recited resolve of Congress, **RESOLVED**, That his Excellency the Governour be and he hereby is requested to grant to the said Francis Dana," &c. "a commission agreeably to the said resolution of Congress."

Interpretation
of these acts.

The first of these resolves will shew that when the Legislature in February last, agreed to a Convention, the delegates of the State were to report measures *not* for *abolishing* but for *preserving* the articles of Confederation; for amending them; and for increasing their powers consistently with the true republican spirit and genius thereof — that the report was to have been made to Congress and that so much of it only as should be approved by them, and agreed to by the legislatures of the several States, was to become a part of the Confederation — the last of the resolves will shew, that in March last the legislature altered the powers of their delegates and conformed them to the resolve of Congress — that the utmost extent of this resolve, which united the views of Congress and our legislature, was to call a Convention for the *sole* and *express* purpose of revising the articles of Confederation, and reporting to Congress and the legislatures, such *alterations* and *provisions* therein as shall render the Federal Constitution adequate to the exigencies of government, and the preservation of the union — that neither Congress nor the Legislature had the most distant idea of conducting the matter in a mode different from that presented by the Confederation, which provides "that the articles of Confederation shall be inviolably observed by every State, and the union shall be perpetual, nor shall any *alteration* at

No violation
of Articles of
Confederation
intended.

any time hereafter be made *in any of them*, unless *such alterations be agreed to in a Congress of the United States, and be afterwards confirmed by the legislature of every state.*" That on the other hand, Congress in their resolve, and the legislature in both their resolves before recited, expressly provided, and they would have acted *unconstitutionally* to have done otherwise, that the *alterations* and *provisions* in the articles of Confederation, to have been reported by the Federal Convention, should be agreed to in Congress, and be confirmed by the legislative of the several States before they become part of the Federal Constitution.

A REPUBLICAN FEDERALIST.

 No. II.

[*Massachusetts Centinel*, January 2, 1788.]

Honourable Friends, and Fellow Citizens,

IT clearly appeared by the resolutions quoted in my last address, that the utmost extent of the views of Congress, and of the Legislature of this State in calling a Federal Convention, was, that it should revise the articles of Confederation, and report such *alterations* and *provisions therein*, as shall render the Federal Constitution adequate to the exigencies of government and preservation of the union—that neither Congress or the Legislature had the most distant idea of conducting the matter in a mode different from that prescribed by the Confederation—but that on the other hand, they expressly provided, and would have acted *unconstitutionally* to have done otherwise, that the proceedings of the Convention, before they become a

Summary of
preceding
argument.

part of the Federal Constitution, should be agreed to by Congress and confirmed by the Legislatures of the several states.

Powers of
Massachu-
setts dele-
gates com-
pared with
those of
other States.

No one I presume will deny that the powers of the delegates of this state, were as *full* and *extensive* as either Congress or any of the Legislatures had *authority* to give—that the powers of the other delegate [*sic*] were in general, more *limited*—and that had any of them been more *ample* than those of Massachusetts, they must have been founded in *usurpation* and therefore have been *null* and *void*. And have the Federal Convention, in pursuance of their powers, reported the *alterations* and *provisions* mentioned in the recited resolve of Congress? If they have, let us call on Congress, to inform us, whether they have agreed to the report, and to transmit it when approved, to the Legislature for their consideration: This would be conducting upon constitutional principles, but the *call* would be vain, there is no such report, and *the original design of forming the Convention has not been carried into effect*.

Consolida-
tion of the
Union in-
tended by the
Convention.

The Convention nevertheless have reported a new system, and the object of it is, *a consolidation of the union*. Mr. Wilson denies this fact, and says “if this was *a just objection*, it would be *strongly against the system*.” But unfortunately for that gentleman, his *memory* appears to be very *defective*, for he forgot that he has said, in the letter to Congress, signed “George Washington, president, *by unanimous order of the Convention*” — “In all our deliberations on this subject, we kept steadily in our view, that which appears to us the greatest interest of every true American, *the consolidation of the union*.” There the Convention have candidly avowed their intentions, and how Mr. Wilson can reconcile his *jarring* and *contradictory* assertions, I am at a loss to determine. The Convention, having kept “*steadily in view*” “a consolidation of the union,” it is

incumbent on every one who is zealous for the *infallibility* of the Convention, and liberal in abusing those who *dare* to think for themselves, to admit that the proposed plan *completely embraces* the object of *consolidation*, for otherwise he will call in question the *ability* of the Convention to execute their design — indeed it must be evident to every one who will attentively read the new system, that it secures to all intents and purposes the *consolidation intended*. And here permit me to remark on an argument, in favour of the new plan, often urged and drawn from the respectable characters of General Washington and Doctor Franklin: Let those gentlemen have *every honour* that can be paid them, they are justly entitled to *it* — but of what consequence is it to the publick, whether the members who assented or dissented to the new plan, were influenced by *virtuous* and *disinterested*, or by *vicious* and *selfish* motives? If the plan is *properly* before the States, is *good*, and will secure to them "peace, liberty, and safety" should it not be adopted, were they even sure that every member who subscribed it was in principle a *Caligula* or a *Nero*? And if the plan is bad and will entail *slavery on the land*, ought it not to be rejected should every subscriber excel in wisdom and integrity *Lycurgus* or *Solon*. Surely the *good* or *bad* effects of the system, depend not on the *characters* of the original *framers*, but on the *system* itself, and on those who may administer it; and no man of candour and discernment will urge *characters*, as an argument for or against this system, however respectable the characters of any particular members, or of the members in general of the federal convention, may be: They had no other authority to act in this matter, than what was derived from their *commissions* — when they ceased to act *in conformity thereto*, they ceased to be a federal convention, and had no more *right* to propose to the United

The new plan to be judged by its merits, not by characters of its framers.

Delegates exceeded their authority.

States the new form of government, than an equal number of other gentlemen, who might voluntarily have assembled for this purpose. The members of the Convention therefore, admitting they have the merit of a work of supererogation, have thereby inferred no kind of obligation on the States to *consider*, much less to adopt *this plan of consolidation*. The consolidation of the union! What a question is this, to be *taken up* and *decided* by *thirty nine gentlemen*, who had no publick authority whatever for *discussing it*! — To be submitted to the people at large, before it has been *considered* or even *agitated* by Congress, or any of the Legislatures, and to be transmitted with such precipitation to the States *merely* “for their assent and ratification”? True it is, that neither Congress or the Legislatures could decide this great question; the first are restrained by the confederation, and the last by the federal and state constitutions — but Congress and the Legislatures, if they thought it necessary, might at any time have considered the subject, expressed their sentiments on it, and recommended to the people an election of State conventions to have taken up the matter. Had this been done the important question would have been previously canvassed; and understood by Congress and the Legislatures; and explained to the people; and the publick opinion would have been thus *united* in some salutary measure — but as the matter has been conducted, a *system of consolidation* has been formed with the most *profound secrecy*, and without the *least authority*: And has been *suddenly* and *without any previous notice* transmitted by the federal convention for ratification — *Congress not disposed to give any opinion on the plan, have transmitted it to the legislatures* — The *legislatures have followed the example, and sent it to the people*. The people of this State, *unassisted by Congress or their legislature*, have not had time to investigate the

Action of
Congress, the
legislature,
and the
people not
indicative
of approval.

subject, have referred to the news-papers for information, have been divided by contending writers, and *under such circumstances* have elected members for the *State Convention* — and these members are to consider whether they will accept the plan of the federal convention, *with ALL its imperfections*, and *bind* the people by a *system of government*, of the nature and principles of which they have not at present a clearer idea, than they have *of the Copernican system*.

What are we to expect, from such a mode of proceeding? Are not the people already thrown into great confusion? Are not heats, animosities, and a party spirit very prevalent and daily increasing? Are the citizens of this State in a proper temper to receive information, either of the ratification, or rejection of the new Constitution? Is there a probability of *its being supported*, if so *precipitately adopted*? Surely it must appear that the plan, although *improperly before the State*, cannot with safety be rejected — that it cannot as it stands, be safely *accepted* — that the people will not be satisfied with a *ratification*, and the *delusive prospect of future alterations* — and that the only hope that remains of preserving the peace and happiness of this Commonwealth, is *from amending the plan in order to its adoption*.

Prior amendment the only hope for safety.

THE REPUBLICAN FEDERALIST.

No. III.

[*Massachusetts Centinel*, January 9, 1788.]

IN the preceding numbers it has been shewn, that the original design of calling the federal convention has not been carried into effect — That they nevertheless reported a system of government with a professed

Summary of preceding argument.

intention of consolidating the union — That they had not the least publick authority to discuss, much less to decide this great question — That neither Congress or the Legislatures have been disposed to express any opinion on the new system — That although they were constitutionally restrained from deciding, yet they had a right at any time, to have agitated and considered the question, to have explained it to the people, and to have recommended their electing State Conventions to have taken up the matter — That had this been done, the people would have had every necessary information, and probably have united in some salutary measure — That they are now without that information, and by the mode of conducting this matter, are thrown into great confusion — That a party spirit prevails, and is daily increasing — That in the present temper of the people, it will not restore peace or tranquility to reject the system, or to ratify it with or without the *delusive prospect* of future alterations — That if accepted in its present form, there is not a probability of supporting it — and that amendments are indispensibly necessary, in order to its adoption. — These are facts which if any one doubts, will I think, clearly appear when we consider the system itself.

Importance
of the issue.

The revolution which separated the United States from Great-Britain, was not more important to the liberties of America, than that which will result from the adoption of the new system. The *former* freed us from a *foreign subjugation*, and there is too much reason to apprehend that the *latter* will reduce us to a *federal domination*. Had the Convention thought proper *merely* to have formed the plan, and to have sent it to Congress, and the legislatures, the consequences would not have been so serious, as from their accompanying it with the following resolutions. — “ *Resolved*, That the preceding Constitution be laid before the United States

Resolves
of Federal
Convention.

in Congress assembled, and that it is the opinion of this Convention, that it should afterwards be submitted to a Convention of Delegates chosen in each state by the PEOPLE thereof, under the recommendation of its legislature, *for their assent and ratification*, and that each Convention, assenting to and ratifying the same, should give notice thereof to the United States in Congress assembled." "Resolved, That it is the opinion of the Convention, that as soon as the Conventions of *nine* States shall have ratified the Constitution, the United States in Congress assembled shall fix a day on which electors should be appointed by the States which shall have ratified the same, and a day on which the electors should assemble to vote for the President, and the time and place for commencing proceedings under this Constitution: That after such publication, the electors should be appointed, and the Senators and Representatives elected: That the electors should meet on the day fixed for the election of the President; and should transmit *their votes*, certified, signed, sealed and directed, as the Constitution requires, to the secretary of the United States in Congress assembled, that the Senators and Representatives should convene at the time and place assigned — That the Senators should appoint a President of the Senate, for the sole purpose of receiving, opening and counting the votes for President, and that after he shall be chosen, the Congress together with the President, should without delay, *proceed to execute this Constitution*." In consequence of these resolutions of the federal convention, Congress "Resolved, That the Constitution so reported be transmitted to the several legislatures, in order to be submitted to a Convention of Delegates, chosen in each State by the people thereof, *in conformity to the resolves of the said Convention in that case made and provided*" — and in pursuance thereof, the legislature of this State resolved, "That it

Resolve of
Congress in
conformity
thereto ;

and of the
State legis-
lature.

Result of
adoption by
Massachu-
setts and
eight other
States.

be, and it is hereby recommended to the people of this Commonwealth, that a Convention of Delegates be chosen *agreeably to and for the purposes mentioned in the resolution of Congress aforesaid.* — It is evident, therefore, that the proposed Constitution is, agreeably to the recommendation of the federal Convention, submitted to the State Convention, *that is*, to a *majority* of its members, for their assent and ratification. Should the plan be adopted by this and eight other States, *every part of the Constitution of this Commonwealth which is contrary to the new Constitution, to the laws that may be made in pursuance thereof, or to treaties of the United States*, will be null and void: for the plan expressly provides, that “this Constitution, and the laws of the United States, which shall be made in pursuance thereof, and all treaties made, or which shall be made under the authority of the United States, shall be the supreme law of the land, and the judges in every State shall be bound thereby, *any thing in the Constitution or laws of any state to the contrary notwithstanding*” — And will not such a subjection of the Constitution of this Commonwealth, not only *to the Constitution*, but *to the laws of the union*, and to *treaties*, that are or may be made under the authority of Congress, be in effect, a DISSOLUTION OF THE GOVERNMENT OF MASSACHUSETTS? Surely it will. Mr. *Locke*, in his treatise of civil government, *chap.* 19, in *sect.* 212, says, “Governments are dissolved from within, when the legislative is altered,” and in *sect.* 215, “*for it is not a certain number of men, no, nor their meeting*, unless they have also freedom of debating, and leisure of perfecting, what is for the good of the society, wherein the legislative consists: when these are taken away, or altered, so as to deprive the society of the due exercise of this power, the *legislative is truly altered*; for it is not names that constitute governments, but the use and exercise

of those powers that were intended to accompany them." What were *the powers* originally intended by the people of this State *to be used and exercised by their legislature*; they are contained in the Constitution of the Commonwealth, *part 2, chap. 1, sect. 1*, under the head of "the legislative power," qualified nevertheless by certain reservations in the Bill of Rights. *Some* of the most *important* of those *powers* will, by the new plan, be transferred to the *federal government*, and *others* be exercised by *their* permission. This, I presume, is too evident to be denied, and will hereafter more fully appear. Our government will then have the *name* that it now *has*, but not "the use and exercise of those powers that were intended to accompany it." Indeed, it is inconceivable, that a plan of consolidation can be established, without destroying the sovereignty of the respective States, and thus *dissolving their present governments*.

But supposing the adoption of the new plan would only *alter* the Constitution of this State, *by what mode should that alteration be made?* Should it be effected pursuant to the recommendation of a federal Convention, and in direct violation of the Constitution of this State? or should the alteration be made consistently with the Constitution itself? This expressly provides, "That, in order the more effectually to adhere to the principles of the Constitution, and to correct those violations which by any means may be made therein, as well as to form such alterations as from experience shall be found necessary, the General Court, which shall be in the year of our Lord 1795, shall issue precepts to the selectmen of the several towns, and to the assessors of the unincorporated plantations, directing them to convene the qualified voters of their respective towns and plantations for the purpose of collecting their sentiments on the *necessity or expediency of revising the Constitution*, in

Mode of amendment prescribed by Massachusetts Constitution.

order to amendments: And if it shall appear by the returns made, that two thirds of the qualified voters throughout the State, who shall assemble and vote in consequence of the said precepts, are in favour of such revision or amendment, the General Court shall issue precepts, or direct them to be issued, from the secretary's office to the several towns to elect delegates to meet in Convention, for the purpose aforesaid: The said delegates to be chosen in the same manner and proportion as their representatives," &c. — Here we see, that by the Constitution of this State in the year 1795, the sentiments of the qualified voters on the *necessity* or *expediency* of *revising* the Constitution, are to be collected, and if it shall then appear that *two thirds* of them are in favour of a *revision* and *amendment*, in that case only, is a Convention to be called *for these purposes*. Should it be a question, whether an alteration in the Constitution can be made before the year 1795, there is nothing in the clause recited, that I can conceive to prevent it: because although in the year 1795, precepts must issue for the purposes mentioned, there is no provision to prevent their issuing, if necessary, before that period. But surely, if any alteration should be made in the Constitution, it must be *in a mode provided by the Constitution itself*, for otherwise *the clause recited must become a nullity*, which is inadmissible, or, which is the same thing, *the Constitution itself must be violated*.

Danger from
violating Con-
stitutions.

Of all compacts, a Constitution or frame of Government, is the most solemn and important, and should be strictly adhered to. The object of it is the preservation of that property, which every individual of the community has, in his *life, liberty* and *estate*: Every measure therefore, that only approaches to an infraction of such a covenant ought to be avoided, because it will injure that sacred regard to the Constitution which

should be deeply impressed on the minds of the whole community — How much more careful then should we be to avoid an open violation of such a compact? Such a violation must take place, if a majority, or every member of the Convention, should vote for an acceptance of the new Constitution, because a Convention cannot be called for *altering*, much less *dissolving* the government of Massachusetts, before the sentiments of the qualified voters are collected on the *necessity* or *expediency* of *revising* the Constitution in order to *amendment*, and *two thirds* of them shall be in favour of the measure. A ratification, therefore, of the new Constitution by the State Convention, cannot be binding on the citizens of this State, being directly repugnant to an existing covenant. But suppose such a ratification should be supported by a majority of the Convention and of the citizens of this State: What must be the consequence of thus destroying all publick faith and confidence? Are not these the principles that bind and cement the community, and that establish them as a body politic? Are they not the foundation of a free Government? If every individual by such a measure, should have his faith and confidence in the honour and integrity of the community effectually destroyed, (and this must inevitably be the consequence) will he not decline entering into such a nugatory compact in future, or entering into it, will he not disregard it as a mere matter of form, and rather than be at any pains or expense to support it, suffer it to share the fate of the other? Certainly he will, and instead of a government founded in compact, we must hereafter be content with one founded in fraud or force.

Ratification
cannot bind
the citizens
of the State.

REPUBLICAN FEDERALIST.

No. IV.

[*Massachusetts Centinel*, January 12, 1788.]

Mode of
amendment
provided by
Articles of
Confederation.

EVERY candid mind will by this time I think be clearly convinced, that if the constitution of this Commonwealth *has any validity*, the ratification of a plan that would *alter*, much less of one that would *dissolve the government*, cannot be valid, unless by a mode provided by the Constitution itself. There are but two modes, to my knowledge, wherein any alterations can be made: One has been mentioned, and it has been fully shewn that the ratification of the new Constitution by the state Convention would be in direct violation of that mode, and therefore not binding on the citizens of this State. — Let us now consider the other mode. In addition to the political compact contained in the Constitution of this State, it is bound by another as *solemn* and more *extensive, the articles of Confederation*. By the *first*, the “whole people covenants with each citizen, and each citizen with the whole people:” and by the last, *the whole of the States covenants with each State, and each State with the whole of the States*. And the powers in the articles of Confederation, expressly delegated to the United States in Congress assembled, are *paramount* to and *annul* every power of the State Constitution, that is inconsistent with and opposed to them. A mode is provided in the Confederation for amending it, in the words following, “and the articles of this Confederation shall be inviolably observed by every State of the union, shall be perpetual *nor shall any alteration at any time hereafter be made in any of them unless such alterations be agreed to in a Congress of the United States, and be afterwards confirmed by the legislatures of every State.*” A correspondent provision is made in the fourth article of the Bill of Rights of our State Constitution — (*vide*

Constitution of Massachusetts) the exercise then of every power, jurisdiction and right, which is or may hereafter be *by the people* thus expressly delegated, is clearly relinquished on *their* part and will be binding on *them*. Had the federal Convention reported and Congress agreed to alterations in the articles of Confederation, there could I think have been no doubt, that the ratification of such alterations *by the legislatures* would have been as binding *on the people* as if made by *themselves*, because in the article mentioned of the bill of rights *the people* have recognized the articles of Confederation, which on the part of the State were ratified, pursuant to *their* authority: And have *expressly provided* by those articles, that alterations therein which shall *be agreed to by Congress*, and *confirmed by the legislatures*, shall become part thereof: The legislature nevertheless of this State, would probably have applied to the people for their sense on such alterations, before a confirmation thereof, but no one will pretend to say that the federal Convention have reported alterations, or if they had, that Congress have agreed to, or the the [*sic*] legislature confirmed them. The federal Convention, have, as has been shewn, reported a system, which destroys the articles of Confederation, and completely embraces the consolidation of the union: They have also recommended, that this new system should be administered, when ratified by nine States, and it must clearly appear, that the ratification of it by the Convention of this State, would not only be *a violation of the State Constitution, but also of the articles of Confederation — would thus be a double act of political perfidy — and would not be binding on any State, not even on those which may thus ratify it.* Such a measure, therefore, would not only *tear up by the roots*, and *annihilate* all confidence in the most sacred and solemn covenants between the *whole people* and *each citizen of this State*, but also between

Ratification of
the proposed
Constitution
also a viola-
tion of the
Articles.

Sir William Temple on innovations in government.

Mode of adoption paves the way for despotism.

the *whole of the States* and *each State*, and the new Constitution would not stand on the ground of *right, good faith*, or *publick confidence*. Notwithstanding then the good intentions of the federal Convention, it is an unfortunate circumstance that they did not strictly adhere to their powers, because the mode proposed for ratification, as well as the system itself, must produce great convulsions. Sir William Temple, in treating "of popular discontents," says, "The first safety of Princes and *States* lies in avoiding all councils or designs of *innovation* in *ancient and established forms, and laws, especially those concerning liberty, property and religion* (which are the possessions men will ever have most at heart) and thereby leaving the *channel* of *honour and common justice* clear and undisturbed." The new system was not only *unauthorized*, but altogether *unexpected* by Congress, the legislature, and the people, is not merely an *innovation*, but an *interchange* [entire change?] of the "established form" of government; and will produce as great a change in the laws concerning liberty and property — does not only *disturb*, and in some instances *alter* but in others *destroys* the channels of *honour and common justice* — and so far is the mode of adoption from being constitutional, as that it violates the Constitutions of the States and of the union, and establishes a precedent, not only for annihilating the new Constitution itself, but for building on its ruins a *complete system of despotism* — for what will the people have to secure them against an introduction of the most arbitrary government, after the *banishment of good faith* from the United States of America? Is it not incumbent then on the State Convention, to consider *seriously* and *thoroughly*, in what a situation they will place this Commonwealth and the union, by the proposed ratification? This State, before it shall have declared in favour of the new system as it stands, may have great influence in promoting an accom-

modation of this matter, between contending States, and the contending citizens of each State, and having the confidence of all parties, may as a wise mediatrix, promote their common interest: But when the State shall have manifested such a total disregard to the obligations of the most solemn political compacts, as to ratify in the mode proposed, the new Constitution, then will end the confidence of the union, and of our own citizens in the decision of Massachusetts, and she will embark in a precarious bottom, with the gloomy prospect of an approaching tempest, and unnecessarily expose herself to a political shipwreck. — If then, the new Constitution, ratified in its present form and in the mode proposed, will not stand on the ground of *right, good faith, or public confidence*, on what ground will it stand? Mr. Lock [sic], in his treatise mentioned, chap. 17, sect. 197, says, "as conquest may be called a foreign usurpation, so usurpation is a kind of domestick conquest, with this difference, that an usurper can never have a right on his side, it being no *usurpation* but when one has got into the possession of what another has a right to." The right of originating a system for consolidating the union, belonged only to the people, but the federal Convention have taken possession of it, when called for a different purpose, and can any one say their proceedings are not founded in usurpation? The same author goes on, "this, so far as it is usurpation, is a change only of persons, but not of the *forms* and *rules* of the government: For if the usurper extend his power beyond what of right belonged to the lawful prince, or governour of the Commonwealth, it is *tyranny* added to *usurpation*." Had the federal Convention then only exercised the powers of the people in originating a system of consolidation, it would have been nothing more than usurpation; but having changed the *forms* and *rules* of delegating powers to the federal government, the Con-

Locke on
usurpation
and tyranny.

Framers of
the Constitu-
tion guilty
of both.

vention have done what the governours or rulers of the Commonwealth had no right to do, and by promoting State Conventions to violate the most solemn compacts, have also done what the people themselves had no right to do, and as the principles and reasonings of the above celebrated writer apply more forcibly to the *alteration* or *formation*, than to the *administration* of government, are not the proceedings of the Convention, founded not only in *usurpation*, but also in *tyranny*?

Their
purpose.

To what purpose then is it, to raise this mighty superstructure, which having no foundation, must soon fall and involve those in it in inevitable ruin—the federal Convention were undoubtedly urged to these measures by conceiving, that their system, if well adapted to the welfare of the people, would nevertheless meet with opposition from some of the States, and be thus defeated: But did not an honest zeal lead the Convention, as it has often led others if to a *remedy worse than the disease*? Should not a proper system have been sent in a constitutional mode to the States, with a presumption that every State would do what was for the good of the whole; and if any of them had withheld their assent from a measure requisite for the general welfare, and thus rendered a *separation* necessary; should *it* not have been preceded by a declaration, stating the reasons and necessity of such a *separation*? Surely such a *dismemberment* will require as much solemnity as *that* which separated us from Great-Britain, and may produce as important consequences.

Many objec-
tions to the
new system
unanswered.

Many great objections to the new system have been unanswered, and I conceive, if we mean to support our liberties, are unanswerable. Notwithstanding which the State Convention will in all probability be warmly urged to accept the system, and at the same time to propose amendments—this indeed may take in the

weak and unwary, but not persons of discernment: For a wise people will never place over themselves an arbitrary government, in expectation that it will be so *remarkably* virtuous as to divest itself of unreasonable and unlimited powers. Is not this contrary to human nature, which is generally grasping at more power, not knowing oftentimes that it would be abused as soon as obtained?

The new Constitution provides "that the Congress whenever two thirds of both houses shall deem it necessary shall propose amendments to this Constitution, or on the application of the legislatures of two thirds of the several States, shall call a convention for proposing amendments, which in either case shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the Congress: " — To call a Convention then, two thirds of both houses of the new Congress must deem it necessary, or the legislatures of two thirds of the several States must make an application to Congress; and can it be doubted that there will not be found such a majority of the new Congress, or of the State legislatures *disposed* to call a Convention *for making amendments*? When the Constitution is adopted, will not the friends of it strenuously contend to give it a trial? Are there not numbers who at this time openly reprobate republican governments? And will not such persons raise numberless objections to the appointment of such a Convention, and endeavour to prevent it? But supposing a Convention should be called, what are we to expect from it, after having ratified the proceedings of the late federal Convention? They will be called to make "*amendments*," an indefinite *term*, that may be made to signify any thing. Should

Modes of
amendment
provided.

Judge M'Kean, be of the new Convention, perhaps he will think a system of despotism, *an amendment* to the present plan, and should the next change be only to a monarchical government, the people may think themselves very happy, for *bad* as the new system is, it is the *best* they will ever have should they now adopt it. If therefore, it is the intention of the Convention of this State to preserve republican principles in the federal government, they must accomplish it *before*, for they never can expect to effect it *after* a ratification of the new system.

[REPUBLICAN FEDERALIST.]

NO. V.

[*Massachusetts Centinel*, January 19, 1788.]

Two courses
open: (1) Ad-
journment till
action of
Virginia
is known;

THE proceedings of the federal Convention, having, as has been shewn, originated in usurpation, and being founded in tyranny, cannot be ratified by the State Convention, *without breaking down the barriers of liberty; trampling on the authority of federal and State Constitutions, and annihilating in America, governments founded in compact.* In this predicament, there appears but two measures which can with safety be adopted by the Convention of this State. One has been hinted at, *an adjournment*, until the sense of Virginia can be known. The great danger in this business is, from *precipitation*, not from *delay*. The *latter* cannot injure whilst the *former* may *irretrievably* ruin us; an adjournment would not only ripen the judgment of our own citizens, but give them an opportunity of benefiting by the opinions of those States, which are attentive to, but not *extravagantly* zealous in this matter. The other measure is, to return the proceedings of the federal Convention to the

legislature of this State, to be by them transmitted to Congress, and *amended* agreeably to the articles of Confederation: For the system being *improperly* before the State Convention, and they being *incompetent* to a ratification of it, cannot thereby bind the citizens of Massachusetts. Had the system been in itself unobjectionable, it is evident from what has been said, that the sentiments of the qualified voters *on the necessity* of a revision, *must* have been taken, and two thirds of them *must* have been in favour of it, before a State Convention could be called for amending the Constitution, much more for dissolving the government.

(2) return of proposed plan to Congress for amendment.

Let us once more particularly attend to the system itself. It begins, "We the People of the United States, in order to form a more perfect union," &c. "do ordain and establish this Constitution for the United States of America"—In other words, *We the people do hereby publicly declare the violation of the faith which we have solemnly pledged to each other—do give the most unequivocal evidence, that we cannot ourselves, neither can any others, place the least confidence in our most solemn covenants, do effectually put an end in America, to governments founded in compact—do relinquish that security for life, liberty and property, which we had in the Constitutions of these States, and of the Union—do give up governments which we well understood, for a new system which we have no idea of—and we do, by this act of ratification and political suicide, destroy the new system itself, and prepare the way for a despotism, if agreeable to our rulers.* All this we do, for the *honour of having a system of consolidation formed by us the people.* This is not *magnifying*, for such are the facts, and such will be the consequences. Indeed we find *despotism* not only in contemplation of the Pennsylvanians, but openly avowed in their State Convention, in the words following—"DESPOTISM, if wisely administered, is the best system

New system favors despotism.

invented by the ingenuity of man." This was declared by chief justice M'Kean; and in such an high office, we must suppose him a man of too much precaution to have made the declaration, had he not known, that a majority of the Convention, and of the citizens, who so highly applauded his speeches, were of his opinion. M. Montesquieu, in his "Spirit of Laws," 1st vol. book 3, chap. 9, says, "As *virtue* is necessary in a *republick*, and *honour* in a *monarchy*, so *fear* is necessary in a *despotick* government: With regard to *virtue*, there is no occasion for it, and *honour* would be extremely dangerous." Thus has a declaration been made in Pennsylvania, in favour of a government which substitutes *fear* for *virtue*, and reduces men from *rational beings* to the *level of brutes*; and if the citizens of Massachusetts are disposed to follow the example, and *submit their necks to the yoke*, they must expect to be governed by the *whip* and *goad*. But it is remarkable, that the resolution of the Federal Convention, for transmitting the system to the people, provided, "that the Constitution should *be laid before the United States in Congress assembled*, and afterwards submitted to a Convention of Delegates, chosen in each State by the people thereof, *under the recommendation of its legislature*; thus making Congress and the legislatures, *vehicles of conveyance*, but precluding them from passing their judgments on the system. Had it been submitted to their consideration, their members were men of such discernment, that the *defects* as well as *excellencies* of the plan, would have been clearly explained to the people; but immediately on the publication of it, we find measures were taken to prejudice the people against all persons in the legislative, executive and judicial departments of the States and Confederacy (if opposed to the plan) as being actuated by motives of private interest. Mr. Wilson, a member of the federal and Pennsylvanian Conven-

Attempts to
discredit
members
of State
governments.

tion, in his town meeting speech, adopted this practice, which, to say the least of it, was very *illiberal*. Indeed, it is but justice to observe, that many artful advocates of this plan, to cover their designs of creating a government which will afford *abundance of legislative offices for placemen and pensioners, proclaimed suspicions* of others, and diverted the attention of the people from themselves, on whom the odium should fall.

Let us now proceed to the provision in the system for a representation of the people, which is the *corner stone* of a free government. The Constitution provides, art. 1st, sect. 2, "that representatives and direct taxes shall be apportioned among the several States, which may be included within this union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other persons." Representatives "then are to be apportioned among the several States, according to their respective numbers," and *five* slaves, in computing those numbers, are to be classed with *three* freemen—By which rule, fifty thousand slaves, having neither *liberty* or *property*, will have a representative in that branch of the legislature—to which more especially will be committed, the *protection of the liberties*, and *disposal of all the property* of the freemen of the Union—for thus stands the new Constitution. Should it be said, that not *the slaves* but their *masters* are to send a representative, the answer is plain—If the *slaves* have a *right* to be represented, they are *on a footing* with *freemen*, *three of whom* can then have no more than an equal right of representation with *three* [*sic*] *slaves*, and these when qualified by property, may elect or be elected representatives, *which is not the case*: But if they have not a right to be represented, their masters can have no right derived from their *slaves*, for

Provisions
for repre-
sentation.

Representa-
tion of slaves.

these cannot transfer to others what they have not themselves. Mr. Locke, in treating of political or civil societies, chap. 7, sect. 85, says, that men "being in the state of slavery, not capable of any property, cannot in that state, be considered as any part of civil society, the chief end whereof, is the preservation of property." If slaves, then, are no part of civil society, there can be no more reason in admitting them, than there would be in admitting the *beasts* of the field, or *trees* of the forest, to be classed with *free electors*. What covenant are the freemen of Massachusetts about to ratify? A covenant that will degrade them to the *level of slaves*, and give to the States who have as many blacks as whites, *eight* representatives, *for the same number of freemen* as will enable this State to elect *five* — Is this an *equal*, a *safe*, or a *righteous* plan of government? Indeed it is not. But if to encrease these objections, it should be urged, "that representation being regulated by the same rule as taxation, and taxation being regulated by a rule intended to ascertain the relative property of the States, representation will then be regulated by the principle of property." This *answer* would be the only one that could be made, for representation, according to the new Constitution is to be regulated, either by *numbers* or *property*.

Its dangers.

Property as a basis of representation.

Let us now inquire of those who take this ground, what right they have to put a construction on the constitution, which is repugnant to the express terms of the Constitution itself? This provides, "that representatives shall be apportioned among the several States, *according to their respective numbers*." Not a word of *property* is mentioned, but the word "numbers" is repeatedly expressed — Admitting however that property was intended by the Constitution as the rule of representation, does this *mend the matter*? it will be but a short time, after the adoption of the new Constitution,

before the State *legislatures*, and *establishments in general* will be so *burthensome* and *useless* as to make the people desirous of being rid of them, for they will not be able to support them. The *State appointment* of Representatives will then cease, but *the principle of representation according to property*, will undoubtedly be retained, and before *it is established* it is necessary to consider whether it is a just *one*, for if *once* it is *adopted* it will *not be easily altered*. — According to this principle, a man worth £50,000, is to have as many votes for representatives in the new Congress, as *one thousand men*, worth £50 each: And *sixty such nabobs* may send *two* representatives, while *sixty thousand* freemen having £50 *each* can only send the same number. Does not this establish in the representative branch of the new Congress, a principle of aristocracy with a vengeance? The Constitution [*sic*] of the several States, admit of no such principle, neither can any freeman with safety thus surrender, not only the intire disposition of their property, but also, the controul of their liberties and lives to a few opulent citizens. Should it be said that the rule of federal taxation, being advantageous to the State, it should be content with the same rule for representation. The answer is plain, the rule gives no advantage, but is supposed to be advantageous to Massachusetts, and to be an accommodation very beneficial to the southern States: But admitting this State will be benefited by the rule, is it disposed to sell its birthright, the right of an equal representation in the federal councils *for so small a consideration*? Would this State give up that right to any State that would pay our whole proportion of *direct and indirect taxes*? Shall we relinquish some of the most essential rights of government, which are our only security for every thing dear to us, to avoid our proportion of the publick expense, shall we give up all we

Its effect
on Massa-
chusetts.

Levy of direct
taxes not
probable.

have, for a small part of it? This if agreed to would be no great evidence of our wisdom or foresight. But it is not probable, in the opinion of some of the ablest advocates for the new system, that *direct taxes* will ever be levied on the States, and if not, the provision for levying such taxes will be *nugatory*: We shall receive no kind of benefit from it, and shall have committed ourselves to the mercy of the states having slaves, *without any consideration whatever*. Indeed, should direct taxes be necessary, shall we not by increasing the representation of those States, put it in their power to prevent the levying such taxes, and thus defeat our own purposes? Certainly we shall, and having given up a substantial and *essential* right, shall in lieu of it, have a mere *visionary advantage*. Upon the whole then, it must be evident, that we might as well have committed ourselves to the parliament of Great-Britain, under the idea of a *virtual representation* as in this manner resign ourselves to the federal government.

[REPUBLICAN FEDERALIST.]

NO. VI.

[*Massachusetts Centinel*, January 30, 1788.]

Party spirit
in the State
Convention

WHOEVER has attended the debates of the Convention, must already be convinced, that the magnitude of the object, and the anxiety of the members, whether for or against the system as it stands, has produced a party spirit which augurs no good. It has now become a struggle for conquest; rather than for conviction: And great as the characters are which compose the Convention, their talents are more employed to make proselytes in favour or against than to investigate precisely and

explain clearly the merits and demerits of the proposed Constitution. It must likewise appear, that so many able and eloquent speakers as there are in favour of it, from the supreme executive, judicial and legislative departments, as well as from the bar, desk, medical and military professions, that there is not a prospect of doing justice to the objections against the plan. Should it, therefore, in this state of affairs, be carried by a small majority, what must be the consequences? They are too apparent, and too ruinous to contemplate, and every one is left to form his idea of them. The same would probably be the effect of a negative, and the farther we proceed in this business, the more evident is it, that an adjournment until the sense of Virginia and other States can be known, is not only proper, but indispensibly necessary for the peace and welfare of this State. — To persuade the people that this system will produce advantages which will never flow from it, or to conceal from them the *burthen* and *coercion* that will result from it, will be impolitick in the extreme, for the deception must appear as soon as the plan is administered, and the new administration itself will be overwhelmed, and all federal government be prostrated by an enraged and disappointed people. I am sensible that many worthy men are for adopting this plan, not because they approve of it, but from an idea that we shall never obtain another; but what reason is there for this apprehension? The whole Continent are desirous of an efficient federal government — The first constitution proposed to the people of Massachusetts was rejected by them; it originated improperly as this did, and if it had not, it was not a good one. The people therefore made a second attempt, and succeeded in it; and is there not the same reason to hope for success in the present case? Or if we fail, that the attempt will probably make us unanimous in adopting this system? But

Adjournment
again urged;

is it not extraordinary, that a Constitution should be proposed by gentlemen, who had no authority whatever to form it—that they should dissolve themselves without knowing the objections of the people, and that the latter should now be told, they must take this or have none? This may be language adapted to slaves, but not to freemen.

Summary
of argument
as to repre-
sentation.

By my last, I think it must fully appear, that the apportionment of representatives by the new system, is to be either according to numbers or property — If according to numbers, that we are to commit ourselves by an unequal representation to the States who are peopled in a great measure with slaves, and if according to property that we are to adopt in our representative branch the most extraordinary principle for establishing an aristocracy, that ever was imposed on a free people. The Constitution further provides, that “the actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct.” The whole number of freemen and slaves at this time, according to the best information, is about two millions seven hundred thousand, of which six hundred thousand at least are slaves—two millions one hundred thousand freemen then, and three hundred and sixty thousand, being three fifths of the slaves, will make the present enumeration two millions four hundred and sixty thousand. If we suppose (what considering the continual emigrations from the old to the new States cannot be admitted) that in every twenty years we shall double our numbers, at the end of three years the enumeration will be two millions eight hundred and twenty-nine thousand, and what is to be done with this enumeration? The Constitution in the next paragraph provides, that “the number of representatives shall not

exceed one for every thirty thousand, but each State shall have at least one representative, and until such enumeration shall be made, New-Hampshire shall be intitled to choose three, Massachusetts eight," &c. &c. The people then are called upon to ratify a Constitution, which provides that they shall never have above one representative for thirty thousand inhabitants, without providing that they shall have one for that number: This clause, whilst it restrains the new government from allowing more than one representative to the number mentioned, authorizes it by making the rule of apportionment one or two hundred thousand inhabitants for each representative, to reduce their number to twenty-eight or even to fourteen. This is so clear, that the warmest advocate for the new system will risque his reputation for candour by denying it. If there was no discretionary power intended to be lodged in the new Congress, to reduce the number of representatives lower than one for every thirty thousand inhabitants, it would have been provided, that "the number of representatives" shall be at least one for every thirty thousand; and not as it now stands, "that it shall not exceed one" for that number. It may be said, perhaps, that the increase of the inhabitants will be such hereafter as that it will be necessary for Congress to have the power to make the rule of apportionment higher than thirty thousand; but why then was it not provided, that the people should be allowed one representative for every thirty thousand, until the representation amounted to a certain number? Even two hundred representatives for a legislature, invested as this is to be, with almost unlimited powers, over the lives, liberties and property of the citizens of these States, is not too much at this early period: — Why should we then, having but sixty-five representatives, intrust Congress with a power to reduce this to a much less number?

Limitation
on number
of repre-
sentatives.

Power to
reduce the
number of
represent-
atives.

Perhaps it will be said, there is only a possibility of this evil; but in the progress of these papers I think it will appear there is a probability if not a certainty, that when Congress shall have established their *revenue-acts*, and *standing army*, which will be accomplished in a few years, they will reduce the number of representatives so low, and regulate their elections in such a manner, as effectually to destroy the representation of the people. Some indeed may say, that if it was greater than at present, it would be expensive and burthensome; but this is too trifling an objection to deserve refutation; for the people of the country know well, that their greatest security against a tyrannical government consists in a *full* and *free* representation — *full* as to the number of representatives — *free* as to the right of election, and they are not thus to be bubbled out of their liberties. Should it be admitted, that at the end of three years there will be a representative for every thirty thousand inhabitants, the whole number in the federal legislature will then be ninety-four, and this State's proportion thirteen, and after that time no alteration will be made until the year eighteen hundred and one: And are the citizens of this State disposed to commit every thing dear to them, for the space of thirteen years, to a government, constituted as the new one is to be, with only eight representatives for part of the time, and thirteen for the remainder of it? — Are the States having slaves, to have according to the number of freemen a much greater representation than this State? And if there had been no objection of this kind, are the State governments to be subject to annihilation, and when this is accomplished, is the principle of property, which is now contended for as the rule of apportionment, to be then the rule for electing representatives, whereby sixty or a less number of wealthy men, may elect as many representatives as sixty thousand yeomen?

Representa-
tion already
too small.

What is the number of freemen in Great-Britain, and how many representatives have they? The number, I think, is computed to be about eight millions, and "the number of English representatives, is five hundred and thirteen, and of Scots forty-five, in all five hundred and eighty-eight." In this proportion we should have a representative for every thirteen thousand six hundred inhabitants, and this State would have thirty representatives in the new Congress. Will the people of this State intrust themselves to a government which will have the power, and every motive to reduce the number of representatives to one half or to one quarter of what they are now to be, and thus to deprive the citizens of their best security for liberty? I think they will not, and that it ought not to be expected of them.

Comparison
with Great
Britain.

(To be continued.)

NO. VII.

[*Massachusetts Centinel*, "Extraordinary," February 2, 1788.
Marked "Concluded from our last."]

I AM sensible it will be said the Constitution provides "that the electors in each State shall have the qualification requisite for electors of the most numerous branch of the State legislatures." But the new Constitution was evidently intended to, and must in its operation inevitably produce an abolition of the State governments, and when this is accomplished, the rule of apportionment of representatives according to property, must and will apply to electors, and have the effect mentioned. There would nevertheless be some consolation, if these were the only objections relative to representation in the new system, but in the second sect. of the first art. there is a provision that "no person shall be a representative who shall not have

Abolition
of the State
governments.

Eligibility of
foreigners
for office

will lead to
European
intrigue.

attained to the age of twenty-five years, and been seven years a citizen of the United States," &c. had this provision extended to the foreigners who under the government of the United States, had contended for the establishment of our independence, it would have met with no objection; but as it now stands, any foreigner having attained the age of twenty five years, having been seven years a citizen of the United States, and being an inhabitant of any State, may be elected a representative — and the right of being elected senators, is confirmed to foreigners who shall have attained "the age of thirty years," and "who shall have been nine years a citizen of the United States, &c." Thus are we to have a supreme legislature over us, to consist as well of foreigners, as of freemen of the United States. — CITIZENS OF AMERICA! What have you for a number of years been contending for? To what purpose have you expended so freely the blood and treasures of this country? To have a government with unlimited powers administered by foreigners? Will there not be immediately planted in the several States, men of abilities, who, having the appearance of privates, will nevertheless be in the pay of foreign powers? Will not such men ingratiate themselves into your favour, or, which will be much better for them, into the favour of the new government? And after seven years residence, will they not be in your federal house of representatives, or after nine years residence in your senate? Will not the most important secrets of your executive, respecting treaties and other matters, be by these means always open to European powers? Will you not be engaged in their trials? Will not your interest be sacrificed to their politicks? And will you not be the puppets of foreign Courts? Perhaps you will be told that this provision will encourage emigrants, who will bring their money to America; but will you for such precarious

and futile prospects consent to part with the right of governing yourselves? How carefully is this point guarded by Great-Britain. Judge Blackstone, book first, chap. tenth, says, "naturalization cannot be performed but by act of parliament, for by this an alien is put in exactly the same state as if he had been born in the king's legiance, *except* only that he is *incapable* as well as a denizen of being *a member of the privy council, or of parliament*, no bill for naturalization can be received in either house of parliament without such disqualifying clause in it." Other European powers are equally careful to exclude foreigners from their councils, whilst we, *too wise* to be benefited by the experience of governments which have existed for ages, and have attained the zenith of power, are adopting new principles, and exposing ourselves to evils which must inevitably lead us to destruction.

Naturaliza-
tion in
Great Britain.

What I before hinted respecting the danger of ratifying the new Constitution, as it stands, is now too evident to admit of a doubt: The opposition in Pennsylvania have been so imprudent as to burn in effigy, Judge M'Kean and Mr. Wilson, two of the leading members of their State Convention. The offenders are of obscure, and perhaps contemptible characters, and there is danger, *that* they will be arrested, without considering the probability of their having been excited to this outrage by men of influence — that the government will be opposed — and that a civil war will commence, which will flame through this continent, the consequences of which are to be dreaded: Thus will the fairest prospects that ever a people had of establishing for themselves *good government*, be at once blasted by *imprudent zeal and cursed ambition*.

The crisis in
Pennsylvania.

The virulent supporters of the new system, say, as those did in the parliament of Great-Britain, who pushed the American revenue-acts, that the opposition

Aristocracy
and de-
mocracy.

consists principally of men of *low* and *vulgar* minds, but the event will be much the same in the one case as in the other: The yeomenry supported by men of abilities and integrity in the several States, and standing on the ground of *right*, will *maintain it*; and in case of a war, will derive [drive?] from this continent, many valuable men amongst us, who although now deceived by an aristocratic party, will be considered as *usurpers* and *tyrants*. These are not the apprehensions of a timid mind, they are predictions founded on our own experience, and God grant, that the wisdom of this Convention, on which is suspended the fate of America, may avert the impending evil. You have now the *confidence* of your countrymen, and it is hoped will not be deprived of it, by the arts of any individuals *with interested views*: You are now in possession of an *inestimable jewel*, which if lost by a hasty ratification, will never be regained. It is not my wish to make any objections to the new system that are not well founded, and such I conceive to be those against biennial elections: For, considering the extent of the continent — the complicated business of the legislature — the experience requisite for its members — the necessity of their punctual attendance — and their arrangements for quitting their States, and familiar biennial elections, are not *lengthy* or *dangerous*; but can there be any reason, that in the first Congress, when the most important institutions and provisions will be made for carrying into effect the new system, Massachusetts, who according to her numbers of freemen, is entitled to nearly eleven out of sixty-five, should have but eight representatives? It must clearly appear, by my former numbers, that by the clause for regulating representation, we are to be reduced to the level of slaves, and that we shall soon be such, if the planters of the south are to send to the new Congress, representatives for three fifths of their *negroes*.

Biennial
elections not
an objection.

Massachu-
setts's repre-
sentation
too small.

But if this rule was even admissible, we are entitled to above nine representatives according to the present enumeration, and are told, as a consolation for having but eight members, that New-Hampshire has the deficient number, which to us is the same thing. This to me is unintelligible, for the members of both houses are to be paid out of the continental treasury, to which we shall contribute a full proportion according to our property: Why then should we give up to any State whatever, the important privilege of sending a representative? New-Hampshire is a good neighbour, but like other States, has her separate interests, and in pursuit of it, our's may and will be sacrificed, by such an unreasonable concession. It is remarkable, that in the new system } Absence of
there is no qualification of property, for members of } property
either branch of the federal legislature. It is surprizing } qualification
to some gentlemen in Convention, that others should } for office
wish "to exclude from the federal government a *good man*, because he was not a rich one" — No such thing is in contemplation, but on the other hand, they wish to send him there, and want to know what security there is, that a good man, not being wealthy, shall long continue to be eligible to such an office? If there was provision in the Constitution, that any citizen having three, six, or even nine hundred pounds estate, should be eligible, and that one of those sums should be requisite to qualify him, the publick would be equally guarded against a representation of persons having no property at all, and an exclusion of good men, because not wealthy: But the objection to the Constitution is, that it has no provision for securing the eligibility of good men. If good members without much property, should oppose the wealthy but unprincipled ones in Congress, and prevent their passing oppressive acts, such as revenue-acts, calculated to promote speculation — to protect defaulters — and to plunder the people, (as this system undoubtedly will

will permit
Congress to
enact an ob-
noxious one.

The "necessary and proper" clause.

Congressional control of elections

is based on fear of the State legislatures ;

of all their property) will not those unprincipled members exert themselves to pass an act, requiring for senators and representatives so high a qualification of property, as to exclude for ever from Congress, the good men who have not great estates? Surely they will, being fully authorized thereto by the *omnipotent* clause, enabling Congress "to make *all laws* which shall be *necessary* and *proper* for carrying into execution the foregoing powers and *all* other powers, vested by this Constitution, in the government of the United States, or in any department or office thereof." This I call an *omnipotent* clause, for I must believe the man who says, that he he [*sic*] can see in its *aphelion*, a comet which requires a century for its revolution, as soon as him that says, he can see the extent to which an artful and arbitrary legislature, can by this clause *stretch* their powers. We shall next consider the most important clause respecting representation, in art. 1st. sect. 4th. which provides, "that the times, places, and manner of holding elections for senators and representatives, shall be prescribed in each State by the legislature thereof: But the Congress may at any time by law, make or alter such regulations, except as to the places of choosing senators." — Great *ingenuity* has been manifested in attempts to explain away the *meaning* and *tendency* of this *fatal* clause — a clause destructive of the *small* but *best* security which the people by the new system will have for preserving their liberties: Let us candidly attend to the arguments urged on this occasion. One is, that the legislatures, or as they are called the *sovereignties* of the States, are to be the constituents of the federal senate, and the people, the constituents of the house of representatives; that in the frequent struggles and contentions between these two branches to depress and controul each other, each will be supported by its constituents, and therefore that the State legislatures, if uncontrouled by the fed-

eral legislature, would endeavour so to regulate the times, places, and manner of holding elections, as to deprive the people of their right of representation — Here, besure, is the *appearance* of great tenderness for the *rights* of the people, and *nothing but the appearance* ; for an *imaginary danger* of loosing their rights is held up to them to them [*sic*] to introduce a *remedy* which must inevitably deprive them of those rights. That there will be such struggles and contentions between the two branches, is admitted — but is it natural to suppose, that the State legislatures, in aid of the federal senate, will wish to destroy the federal representation? Are not the members of one branch of the State legislatures *in all the States* and of the other branch, in most of them, elected annually, or for a less time? Are not those members dependent on the people for re-elections, and equally with them affected by all federal and state laws? Can those members have any *separate* interest from the people for destroying the balance in the federal legislature? And if they could have such a separate interest, and should attempt to impair or destroy the right of choosing federal representatives, would not the people instantly feel the injury, and leave out of the legislature men so inimical to their rights? Was there no controuling power in the federal legislature for altering or regulating the times, places, and manner of holding elections, would not the people, by annually electing those who are to make the regulations, have every check requisite for securing the right of elections? If, indeed, the members of the State legislatures held their offices independent of the people, and had separate interests, there would be some ground for the argument — but, dependent as they are, and having the same interests with the people, they cannot.

but such
fear is un-
founded.

[REPUBLICAN FEDERALIST.]

No. VIII.

[*Massachusetts Centinel*, February 6, 1788.]

In conflicts
between Fed-
eral Senate
and House,

State legisla-
tures are the
only proper
umpire.

LET us, however, suppose the federal senate, in such a mighty squabble calling on their constituents, the State legislatures, for aid to impair or destroy the democratical federal branch. Is it possible that the members of any State senate or house, would "introduce such regulations, as would render the right of the people, insecure," or "make on [*sic*] unequal and partial division of the State into districts," or "disqualify one third of the electors," as has been urged? Would the members from Worcester, or Hampshire, in either branch consent to regulations which would deprive their constituents of their suffrages and increase the privileges of the electors of Suffolk, or any other county? Could the members in either branch of the State legislature, ever have a motive to adopt such measures, as would deprive *themselves* as well as their constituents from influencing the elections of federal representatives? Will not the members of the State legislatures, *as part of the collective body*, be the constituents of the *federal representatives*? Will not the State legislatures, being thus the constituents of both branches, be the only *safe* and *proper* umpire for preserving the harmony and ballance of the federal legislature? Will not the State legislatures knowing there can be no security for property under a *rapacious aristocracy*, leave out of the federal senate every member that shall aim at an undue controul of the house, and endeavour to produce by the people the same change of such federal representatives, as shall encroach on the rights of the senate? Surely they would; and it is unnatural to suppose that the State legislatures can have any interest in aiding the federal senate to destroy the ballance of the federal

legislature, or if they had, that the measure would be attempted; or if it was, that the people would need any other assistance, than their rights, under the State Constitutions to defeat the attempt. But let us suppose there is some danger of this evil, is it to be avoided by incurring one much greater? The federal senators, except two thirds of the first senate, will be always elected for *six* and the house for *two* years. The members of both the federal branches from the *duration* and *respectability* of their appointments, and from their *lucrative* establishments, *to be made by themselves*, will have a great interest in their *offices*, and every motive to *perpetuate them*. This will be a common interest, and may, (as I think will evidently appear) be attained without even altering the form of the new Constitution, so excellently well adapted is it, to the establishment of *a baleful aristocracy*. The federal legislature may, as has been shewn, and undoubtedly will, make the qualification of property so high, as that few in each State can be elected to either the senate or house: Whilst the revenue laws and other civil establishments in the executive and judicial departments of the union, will necessarily produce through the Continent, *swarms* of officers, who being nominated by the President, and appointed by and with the advice and consent of the *senate*, will be in *their interest*, and in the *interest* of the *house* likewise, as grants will be made by their joint concurrence. All the federal *military* officers will be appointed in the same manner, and be in the same interest—all the *militia* officers, through the continent, where appointments are by the new system, reserved to the States, will nevertheless, as the military officers under the present Confederation, be commissioned by the President of the United States, and attached to the congressional interest. All the late officers of the army who are a very reputable and influential body of men, and who are united by an institution, which

Tendency
toward a
baleful
aristocracy.

This tendency threatens the purity of representation.

gives them ten times the influence they would otherwise have, will have the same attachment to federal government. How easy then, will it be *with such support*, for a body of such able men as will compose Congress to establish the elections of federal representatives at the *metropolis* as at *any other place*, in each state, and when this is effected, to collect the *congressional* or *crown* officers (as they soon will be called) at that place, and carry the elections for these senators and representatives who shall be in the aristocratical interest of the federal government, leaving out all *honest republicans*, who shall have been so vulgar as to have paid any regard to the interest of their constituents?

[REPUBLICAN FEDERALIST.]

C.

BIBLIOGRAPHICAL NOTE ON THE SOURCES.

THE sources that have been used in the preparation of this essay may be grouped chiefly under the following heads: (1) manuscripts in the Archives of the State of Massachusetts; (2) contemporary pamphlets and newspapers; (3) published correspondence of men of the time; and (4) the reports of the debates of the ratifying Convention.

(1) Among the materials in the Archives bearing upon the topic of this paper, the most important are the reports of the votes of the several towns upon various matters connected with the formation of the State Constitution and with the ratification of the Articles of Confederation; the Journals and other papers of the Senate and the House of Representatives; and the papers of the ratifying Convention of 1788. A large amount of interesting matter illustrative of the political ideas of the people throughout the different sections of the State may be gleaned from the first of these sources. The Journals of the House and the Senate are of considerable value in connection with the calling of the Convention and with the proceedings relating to the Constitution after its ratification by that body; but the meagreness of the entries of this period is often provoking. The fact, however, that most of the motions, committee reports, and other miscellaneous papers of the General Court have been preserved, goes some way toward remedying this defect. The papers of the Con-

Manuscript
sources.

vention of 1788 comprise the Journal of the proceedings of that body, petitions concerning disputed elections and the action of the various committees to which each was referred, the pay-roll of the convention, and various miscellaneous papers, such as excuses presented by members for absence, etc. ; of these the pay-roll and excuses of absent members are about the only ones that have not yet been printed.

Pamphlets
on the
Constitution.

(2) The Constitution itself was issued in pamphlet form in a number of editions. Of pamphlets against the Constitution, written by persons from without the State, R. H. Lee's *Letters of the Federal Farmer*, and the *Address and Reasons of Dissent of the Pennsylvania Minority*, seem to have been the chief ones circulated in Massachusetts, the New York Committee of Federal Republicans apparently taking the initiative in their dissemination.¹ Of pamphlets written by Massachusetts men, Jackson's *Thoughts upon the Political Situation of the United States of America* (1788) is chiefly valuable for the light it throws upon the political theories that prevailed among the aristocratic class after the convulsions of 1786-87. Gerry's *Observations on the New Constitution . . . By a Columbian Patriot* (1788) is about the only pamphlet originating in the State which is in the nature of a discussion of the Constitution; and, as Mr. Ford indicates, this was "probably printed for Gerry for limited circulation only,"² though a large number of copies were afterward printed by Greenleaf for the New York Committee of Federal Republicans. Its contents have already been indicated in the text. The *Writings of Laco* consist of a series of letters written by Stephen Higginson in 1789 to prevent the re-election

¹ For a list of the Antifederalist productions from without the State which were published in the newspapers, see the note to page 17.

² Ford, *Pamphlets on the Constitution*, p. 407.

of Governor Hancock in that year. They contain a severe arraignment of the whole political life of the latter, and are of value for the disclosures which they make concerning Hancock's course during the Convention. All but No. 7 of these were printed at the time in the *Massachusetts Centinel*; the whole series was then immediately issued in pamphlet form for electioneering purposes. In 1857 the letters were reprinted under the general title *Ten Chapters in the Life of John Hancock*.

The number of newspapers that were in existence in Massachusetts at the time when the Constitution was before the people, however, seems to have discouraged the use of the pamphlet as a means of discussion. The newspapers of the day constitute one of the richest sources for the study of the political opinion of this period. The most important, of course, are those published at Boston. Of these the *Independent Chronicle* and the *Massachusetts Centinel* were strongly Federal, though, in accordance with the custom of the time, communications on both sides of the question were freely published. The *Boston Gazette and Country Journal* (published by Benjamin Edes & Son), and the *American Herald* (published by Edward-Eveleth Powars), leaned to the other side of the question. This is especially true of the latter; in it are to be found not only the most rabid of the Antifederalist pieces, but also distinctly editorial utterances against the Constitution. Because of its Antifederalism, this paper, like the *Pennsylvania Herald* during the contest in that State, seems to have been "boycotted," and in August, 1788, we find it removed to Worcester; in October, 1789, it was forced to discontinue.

The newspaper literature.

Of the papers published elsewhere in the State, the *Salem Mercury*, the *Hampshire Chronicle*, the *Hampshire Gazette*, and the *Worcester Magazine* are among the most important for the purposes of this study. The last is

merely another form of Isaiah Thomas's *Massachusetts Spy*, which was suspended from March, 1786, to March, 1788, owing to the imposition by the State of a stamp duty of two-thirds of a penny upon newspapers during this period. The matter in all of these is in large part clipped from the Boston or other metropolitan papers, credit seldom being given. The most complete collection of these newspapers is in the library of the American Antiquarian Society at Worcester, Massachusetts; and fairly complete files of some of them may be found in the library of the Massachusetts Historical Society and at the Boston Athenæum.

Collections
of private
letters.

(3) Perhaps the most valuable collection of private letters bearing upon the contest in Massachusetts is that drawn from the papers of George Thatcher, of Biddeford, Maine, and published in the old *Historical Magazine* for November and December, 1869. Some three score letters are there printed, bearing in whole or in part upon the Constitution. Thatcher was delegate to Congress from Massachusetts in 1787-88, and was kept fully informed of the state of public opinion on the Constitution, especially of that in Maine, by his correspondents, among whom are numbered several of the most active Antifederalists in the Convention. In the *Life and Correspondence of Rufus King* there is also much important material for this study. The letters of Christopher Gore, the founder of Gore Hall, the library building of Harvard College, kept King informed of the progress of events until the latter's return to Boston in time to attend the Convention; after that we find much valuable matter in King's own letters to Madison, Knox, and others. In Jeremy Belknap's correspondence with Ebenezer Hazard (in the *Belknap Papers*), we get the impressions of a trained historian, somewhat tinctured, however, with aristocratic prejudice; the letters do not pretend to give more than the impressions of a spectator. In the printed

biographies of such men as Gerry, Sullivan, and Samuel Adams, there is practically nothing of importance, all letters and other papers that might have shown the activity of these men against the Constitution having apparently been suppressed by their respective biographers, or by other persons.

(4) Of the reports of the debates in the Convention, four editions are in existence; they are all, however, founded upon the same notes, and differ from one another, in the main, only as to the extent of supplementary matter. These notes were taken chiefly by Benjamin Russell, of the *Massachusetts Centinel*, and were first published in that paper; they were then printed in but slightly altered form under the title, *Debates, Resolutions and other Proceedings, of the Convention . . . Together with the Yeas and Nays on the decision of the Grand Question* (Boston, 1788). In a note to this edition, the editor recognizes the existence of "some inaccuracies, and many omissions," due to the "inexperience" of the reporters; the reports of some of the speeches, however, were revised by their authors, and in some cases, particularly in those of the less educated members, there seems to have been considerable correction on the part of the reporter — indeed, it is asserted that such correction extended, in some cases, even to the alteration of the sentiments expressed.¹ In 1808 this work was republished at Boston, practically unaltered except in spelling and punctuation; and in 1827–30, and in subsequent editions, it was again republished in Elliot's *Debates in the several State Conventions on the Adoption of the Federal Constitution*. In 1856 another, and in every way the best, edition of the Massachusetts debates was issued, this time under

Reports of
the debates.

¹ D. Sewall to Thatcher, March 4, 1788: *Thatcher Papers*, No. 41. The speeches of General Thompson are cited as examples of such alteration.

the authorization of the Legislature, and under the editorship of Messrs. B. K. Peirce and Charles Hale. In this edition we have not only the debates as reported by Russell (with the spelling and punctuation of the edition of 1808), but also brief notes taken by Theophilus Parsons, which are often of considerable value in supplementing and correcting the former; the Journal of the Convention is also included, together with petitions from several towns concerning contested elections and the action of committees thereon, many letters from Washington, Lincoln, Madison, and others in regard to the contest, and a number of extracts from contemporary newspapers. These four editions vary somewhat in their lists of yeas and nays on the question of the ratification; for a discussion of this subject, see Libby, *Geographical Distribution of the Vote of the Thirteen States on the Federal Constitution*, Appendix B.

In addition to Russell's reports and Parson's notes, the minutes of the proceedings kept by Jeremy Belknap are also in existence, and have been published in the *Proceedings of the Massachusetts Historical Society* for 1858. They are brief, but often of much value.

Secondary
works.

Of the secondary works dealing with this subject, Barry's *History of Massachusetts* gives the fullest account; it is concerned, however, almost entirely with the action of the Convention, and leaves unworked the mass of newspaper literature and the letters of less prominent personages which enable one to go behind the scenes. Bancroft's *History of the Formation of the Constitution* (1882) is briefer than the foregoing, but so far as the proceedings in the Convention are concerned, it gives an excellent account; Bancroft does not, however, fully grasp the causes of the opposition, nor does it seem to the present writer that he duly appreciates the position of Governor Hancock. The account in Curtis's *Consti-*

tutional History of the United States is satisfactory only as a brief summary: the discussion both in and out of the Convention is merely alluded to, and the author's understanding of Samuel Adams's position with respect to Hancock's "conciliatory proposition" seems to be a mistaken one (see Bancroft, *History of the Formation of the Constitution*, II. 270, note). McMaster's account, in his *History of the People of the United States*, possesses both the virtues and the faults of that writer: he alone rightly appreciates the influence of the antagonism between the democracy and the aristocracy in the contest; but he seems to ascribe too great an influence to Shays's Rebellion in producing a Federal reaction in Massachusetts, and he also puts too much credence in the charges of bribery brought against members of the Convention. Fiske, in his *Critical Period*, does not pretend to make any original contribution to the subject; he certainly errs in ascribing to Samuel Adams such great influence in the Convention

D.

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